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Dominions

No. 44.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[1912-1913.]

RELATING TO THE

TREATMENT OF ASIATICS IN THE DOMINIONS.

[*In continuation of Dominions No. 21 ; continued by Dominions No. 55.*]

[NOTE.—*Correspondence relating to the treatment of Asiatics in South Africa will be found in separate South African Office and Parliamentary Papers.*]

IMPERIAL CONFERENCE SECRETARIAT,
October, 1914.

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[NOTE.—The correspondence is arranged in geographical sections.]

AUSTRALIA AND NEW ZEALAND.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
1	To the Governor ...	Tasmania, Telegram.	January 4	Refers to the definition of "Factory" in Section 2 of Factories Act Amendment Bill; presumes he is aware of grave objection to racial discriminations of this type and that, by appropriate representations, he succeeded in obtaining suitable modification.	1
2	The Governor ...	Tasmania, 2.	January 12 (Rec. Feb. 17.)	States that definition of "Factory" in the Bill to amend the Factories Act, 1910, is a re-enactment of that in the 1910 Act; that no objection was taken to the inclusion of a similar provision in the Acts of other States of the Commonwealth; and that it has been found necessary throughout the Commonwealth to deal more stringently with factories conducted by Asiatics than with European factories.	1
3	To the Governor ...	Tasmania, 29.	March 20	Regrets, in reply to No. 2, that attention had not been drawn to the similar definition of "Factory" in the amending Act and the Act of 1910, but points out that similar provisions have not existed in the Acts of other States of the Commonwealth, and suggests that matter be discussed with Ministers with a view to amending the Act so as to restrict its operation to Chinese only.	2
4	Ditto ...	Tasmania, Secret.	March 20	Points out that, in accordance with instructions, he should have communicated to the Secretary of State by telegraph when the Bill for the Factories Act of 1910 was introduced into the Tasmanian Parliament.	2
5	India Office ...	Australia	May 17	Forwards copy of a letter from the Austral-Indian Society calling attention to the disabilities suffered by Indians resident in Australia, and by certain Indians domiciled in Australia who now find themselves debarred from returning; trusts that the Secretary of State will use his utmost endeavours to induce the Commonwealth Government to give consideration to the statements in the petition with a view to mitigating the hardships of which the Society complain.	3
6	The Governor ...	Tasmania, Secret.	April 25 (Rec. June 3.)	Regrets his omission to report by telegram the provisions of the Act to amend the Factories Act, 1910, discriminating against Asiatics.	3

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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7	To India Office ...	Australia	June 11	Deprecates reference to the Commonwealth Government of the enclosure in No. 5 and suggests terms of a reply to the Austral-Indian Society.	8
8	The Governor ...	Tasmania, 20.	June 1 (Rec. July 8.)	Transmits, with reference to No. 3, letter from Prime Minister reporting that Ministers will in due course introduce an amendment restricting the operation of the Act to Chinese.	8
9	To the Governor ...	Tasmania, 69.	July 12	Requests him to thank Ministers for the decision contained in No. 8, and to be informed of the terms of the amending Act when introduced.	9
10	India Office ...	Australia	July 31	Consents that the representation of the Austral-Indian Society is insufficient as a basis for active representations to the Commonwealth Government; suggests that the reply should be sent from the Colonial Office.	9
11	To the Governor-General.	Australia, 331.	August 7	Requests that the Austral-Indian Society may be informed that their letter has been received, but that any representations must be made through the Commonwealth Government, with full particulars of specific cases of hardship or ill-treatment.	10
12	To India Office ...	Australia	August 7	Consents in procedure suggested in No. 10, and encloses copy of No. 11.	10
13	To the Governor ...	Western Australia, Telegram.	September 9	Observes that the Pearling Bill contains certain provisions directed by name against Asiatics; asks him to invite Ministers' earnest attention to the question, and to suggest removal of disabilities <i>nominatim</i> on Asiatics.	11
14	The Governor ...	Western Australia, Telegram, Confidential.	(Rec. Sept. 10)	Reports, in reply to No. 13, that Premier is disposed to do all in his power to meet views of Secretary of State by introducing amendments, but desires to consult his colleagues before stating the extent and terms of such amendments.	11
15	To the Governor-General.	Australia, Confidential.	September 12	Transmits copies of Nos. 13 and 14 ...	11
16	To the Governor ...	Queensland, Telegram.	September 20	Observes that Clause 6 of the Jury Bill disqualifies for sitting on jury all aboriginal natives of India, and requests, in view of the strong objections of His Majesty's Government to discrimination <i>nominatim</i> against Indians, that the word "India" be omitted from Clause 6.	11
17	The Governor ...	Western Australia, Telegram.	(Rec. Sept. 24)	States, in reply to No. 13, that Ministers have decided to introduce amendments desired.	12
18	Ditto ...	Queensland, Telegram.	(Rec. Sept. 27)	States, in answer to No. 16, that the amendment suggested will receive immediate consideration.	12

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19	To India Office ...	Queensland.	October 1	Transmits copy of Nos. 16 and 18 ...	12
20	To the Governor-General.	Australia, Confidential.	October 2	Transmits copy of Nos. 16 and 18 ...	12
21	Australian Parliamentary Paper.	—	October 4	Conditions of admission to the Commonwealth, for certain limited periods, of Chinese students and merchants.	13
22	To the Governor ...	Queensland, Secret.	December 6	Desires that if it becomes necessary to initiate legislation abolishing both the excise and bounty in respect of the sugar industry, and, incidentally, prohibiting Asiatics from engaging or working in the industry, Ministers will take into consideration the objections to legislation affecting Asiatics <i>nominatum</i> set forth in Mr. Chamberlain's despatch of 14th May, 1901.	14
23	To the Governor-General.	Australia, Secret (?).	December 6	Transmits a copy of No. 22 ...	14
1913.					
24	The Governor ...	Queensland, Secret.	January 16 (Rec. Feb. 15.)	Encloses a copy of a letter from the Premier, stating that the views referred to in No. 22 will receive consideration when legislation prohibiting Asiatics from engaging in the sugar industry is introduced.	14
25	To Foreign Office...	Western Australia.	February 15	Encloses copy of an Act relating to the regulation of the Pearl Shell Fisheries and to dealing in pearls; and proposes that it should be sanctioned.	15
26	Foreign Office ...	Western Australia.	February 27	Proposes, in reply to No. 25, to await the views of the Commonwealth Government respecting the somewhat similar question arising out of the Papua Pearl and Bêche de Mer Ordinance of 1911, before expressing any opinion as to the effect of the Pearl Fisheries Act on any treaty rights of foreign Powers.	16
27	To Foreign Office...	Western Australia.	March 4	Trusts, in reply to No. 26, that, in the circumstances indicated, Sir E. Grey will agree to the Governor being informed that the Act will not be disallowed.	16
28	To the Governor-General.	Australia, Secret.	March 7	Transmits a copy of No. 24 ...	17
29	Foreign Office ...	Western Australia.	March 10	States that, in the circumstances indicated in No. 27, no objection will be offered to the Government of Western Australia being informed that the Act will not be disallowed.	17
30	To Foreign Office and India Office.	Queensland, Secret.	March 10	Transmits copies of Nos. 22 and 24 together with a copy of a Commonwealth Parliamentary Paper No. 47.	17

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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31	To the Governor ...	Western Australia.	March 19	Sanctions Act 45 of 1912 relating to pearl fishing, and desires that an expression of cordial thanks be conveyed to Ministers for their action in securing the omission of the restrictions which it was originally intended to impose on Asiatics <i>nominatum</i> in this Act.	18
32	The Governor ...	Queensland, Telegram.	(Rec. June 17)	Quotes passage in the speech at the opening of Parliament notifying the intention to introduce a Bill to make sugar-growing and manufacture in Queensland a white labour industry; and states that he will telegraph as soon as possible the text of the clause.	18
33	Ditto ...	Queensland, Telegram.	(Rec. June 24)	Submits details of the sugar industry Bill.	18
34	To Foreign Office and India Office.	Queensland.	July 2	Forwards copies of Nos. 32 and 33, and requests observations.	19
35	The Governor ...	Queensland, Telegram.	(Rec. July 12)	Reports that the sugar industry Bill has passed the Assembly and has been read a second time in Council; observes as to the provisions in the Bill affecting coloured labour, and states that he sees no good reason for refusing the Royal Assent, but requests instructions.	19
36	Foreign Office ...	Queensland.	July 14	Asks, in reply to No. 34, for information as to the retrospective effect of the Act, the compensation to be granted to present occupants, and as to the regulations which may be made granting relief to persons who have already planted sugar.	20
37	To the Governor ...	Queensland, Telegram.	July 17	Enquires, with reference to Nos. 33 and 34, as to the retrospective effect of the Act, the amount and conditions of compensation to be granted, and the regulations to be made for granting relief to persons who have already planted sugar.	20
38	To India Office ...	Queensland.	July 17	Transmits copies of Nos. 35, 36 and 37	20
39	To Foreign Office...	Queensland.	July 17	Transmits copies of Nos. 35 and 37 and adds that it appears from Press reports that the Bill has been read a third time in the Legislative Council.	21
40	The Governor ...	Queensland, Telegram.	(Rec. July 18)	Communicates the replies received from Ministers to the points raised in No. 37 and adds that the matter is most urgent as the action of the Commonwealth Government in respect of the Commonwealth Act No. 26 of 1912 will be delayed till this Bill is assented to.	21
41	To India Office ...	Queensland.	July 18	Transmits copies of Nos. 40 and 42 ...	21

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42	To Foreign Office...	Queensland.	July 18	Transmits copy of No. 40; observes that the provision in the Bill empowering the grant of exemption by regulation, has presumably been inserted to meet the treaty rights of aliens in Queensland, but that the arrangements with the Commonwealth Government preclude the Queensland Government from granting exemptions from the law.	21
43	To the Governor ...	Queensland, Telegram.	July 22	Enquires, with reference to No. 40, the extent of coloured labour engaged in the industry, and the numbers of Kanakas, Japanese, and British Indians.	22
44	The Governor ...	Queensland, Telegram.	(Rec. July 23)	States that the Premier cannot give the figures asked for, but points out that the Commonwealth Royal Commission reports that coloured labour produces only six per cent. of the sugar in Queensland; the Premier also states that both the Commonwealth and the State Governments are determined to make the industry an exclusive one for white men, and already differentiate by giving a bounty on white persons only.	22
45	To the Governor ...	Queensland, Telegram.	July 23	Presumes, in reply to No. 44, that he is merely delaying assent to the Bill pending instructions, and that he has not reserved it.	22
46	Foreign Office ...	Queensland.	July 23	States, in reply to No. 42, that Sir E. Grey is not disposed to raise any objection to the Royal Assent being given to the Bill, but hopes that the Queensland Government may be impressed with the advisability of interpreting the clauses regulating compensation and exemption in a generous spirit when dealing with present occupiers.	23
47	The Governor ...	Queensland, Telegram.	(Rec. July 24)	States, in reply to No. 45, that he is delaying assent pending further instructions; the Bill is not reserved, but is held to be very urgent.	23
48	To Foreign Office and India Office.	Queensland.	July 24	Transmits copies of Nos. 43 and 44; observes that it has been ascertained that comparatively few Japanese and British Indians are employed in the sugar industry, and that it is intended to administer the Act leniently and considerately, and proposes to telegraph to the Governor in the terms of the enclosed draft authorising him to assent to the Bill.	23
49	To the Governor ...	Queensland, Telegram.	July 24	States, in reply to No. 44, that he may assent to the Bill, but that, in informing his Ministers, he should state that the authority has been given by His Majesty's Government in the confident expectation that his Government will show every consideration in administering the Bill as it affects the interests of British Indians and Japanese.	23

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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50	The Governor ...	Queensland, L. 36.	June 23 (Rec. July 28.)	Forwards an advance copy of the "Sugar Cultivation Bill," which is to be introduced in the present session.	24
51	To the Governor-General.	Australia, Secret.	August 1	Transmits copies of correspondence with the Government of Queensland regarding the Bill to exclude coloured labour from the sugar industry in Queensland.	26
52	A Bill to Consolidate and Amend the Law relating to Juries.	Queensland, (Extract.)	(Rec. Sept. 22)	Section 9, providing that every man between 25 and 65 is qualified and liable to serve as a juror unless he is an aboriginal native of Australia, China, or the South Sea Islands.	26
53	To the Governor ...	Queensland, 116.	October 23	Sanctions Act No. 4 of 1913, entitled "An Act to Prohibit the Employment of certain Forms of Labour in the Production of Sugar, and for other incidental purposes," and requests that Ministers may be informed that the attitude of His Majesty's Government towards the Act has been prompted by a confident feeling that Ministers will agree as to the desirability of administering it in a generous spirit as far as present occupiers are affected.	26
54	To India Office ...	New Zealand.	November 3	Calls attention to an announcement by the Prime Minister of New Zealand that it is intended to restrict as far as possible, by a new Immigration Restriction measure, the immigration of Hindoo coolies; presumes that it is very undesirable that legislation discriminating against British Indians should be introduced at present, and encloses draft of a telegram to New Zealand.	26
55	India Office ...	New Zealand.	November 8	States that the presumption in No. 54 is entirely correct; the views of Lord Crewe are well known, and he has no observations to offer on the terms of the draft telegram.	27
56	To the Governor ...	New Zealand, Telegram.	November 11	Observes from the debates that Ministers propose further to restrict Hindoo immigration; trusts that they will bear in mind the strong objections of His Majesty's Government to any discrimination <i>nominatim</i> against British Indians or other Oriental persons; suggests that they might adopt the wording of the Australian Immigration Restriction Act; and adds, confidentially, the hope that Ministers will not add to the difficulties of His Majesty's Government with regard to the question of immigration in South Africa by passing any legislation directly aimed at Indians.	27
57	India Office ...	Queensland, Confidential.	November 14	Forwards a copy of a letter from the Indian Government in which they place on record their objections to the Queensland Sugar Cultivation Act, 1913; and requests a copy of the regulations which it is proposed to issue to determine the scale of compensation to be paid to persons in the sugar industry who will be ousted by the Act.	28

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1913.					
58	The Governor ...	New Zealand, Telegram, Confidential.	(Rec. Nov. 19.)	States that, in view of the opinion expressed in No. 56, the legislation proposed will not be proceeded with this year.	29
59	To the Governor ...	New Zealand, Confidential.	November 21	Requests that the appreciation of His Majesty's Government may be expressed to Ministers of their decision communicated in No. 58.	29
60	Ditto ...	Queensland, 129.	November 21	Requests on behalf of the Indian Government copies of any regulations which may be issued to relieve from the operation of the Sugar Cultivation Act persons who own crops of sugar planted but not harvested at the time of the passing of the Act; and also any details with regard to compensation awarded to British Indian subjects under Section 5.	29
61	To the Governor-General.	Australia, 711.	November 21	Transmits a copy of No. 60 ...	30
62	To Foreign Office and India Office.	Queensland.	November 24	Transmits a copy of No. 60 and points out that compensation will normally be decided by the Land Court and will not be regulated by executive order.	30
63	To India Office ...	Queensland.	December 23	Forwards a copy of Regulations under the Queensland Sugar Cultivation Act; and enquires whether there is any objection to the enclosure in No. 57 being communicated to the Governor of Queensland and the Governor-General of Australia for the confidential information of Ministers.	30
64	The Governor ...	New Zealand, Confidential.	November 19 (Rec. Dec. 29.)	Transmits a copy of a memorandum by the Prime Minister upon which No. 58 was based, together with a copy of the Bill which was prepared for introduction, for the Secretary of State's observations thereon, and a copy of the principal Act which it is proposed to amend.	36

CANADA.

1912.					
65	To the Governor General.	Telegram	April 8	Draws attention with reference to the Saskatchewan Bill as to female labour, to grave objection to legislation affecting <i>Asiatica nominatum</i> , and asks to be kept informed of any action.	37
66	The Governor-General.	229	April 17 (Rec. April 29.)	Forwards letter from the Secretary of the State's Department covering copy of the Saskatchewan Bill to prevent the employment of female labour by <i>Asiatics</i> and reports that enquiry has been made of the Provincial authorities as to the position of the Bill.	37
67	To Foreign Office and India Office.	—	May 7	Transmits for observations copy of No. 66.	38

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1912.					
68	Foreign Office ...	—	May 21	Expresses opinion, in reply to No. 67, that the Japanese may well object to the discrimination against them: but that as the Act does not appear to infringe any Treaty right enjoyed by Japan in the Dominion, and it has been assented to, Sir E. Grey does not desire to make any suggestion.	38
69	India Office ...	—	June 4	Concurs in the telegram to the Governor-General enclosed in No. 67, and enquires what view the Foreign Office take of the measure so far as it affects Chinese and Japanese.	39
70	To Foreign Office...	—	June 20	Observes, in reply to No. 68, that even in the absence of any Treaty engagement it appears justifiable to make representations to the Canadian Government if circumstances render this course desirable, and that the objection in the present case is not to the principles of the Saskatchewan Act but to the fact that it mentions <i>Asiatics nominatum</i> ; enquires whether Sir E. Grey has any further observations to offer.	39
71	Foreign Office ...	—	July 1	States, in reply to No. 70, that it was chiefly on the ground that the Governor-General has assented to the Act that Sir E. Grey judged it inexpedient to put forward any observations on it, but if the Secretary of State is still in a position to take effective action, he is certainly in favour of the Dominion Government being invited to cancel the measure and substitute other legislation.	40
72	To Foreign Office...	—	July 12	Explains, in reply to No. 71, that the Act has only received the assent of the Lieutenant-Governor of the Province and that it is still open to the Governor-General to disallow it; and transmits for concurrence draft despatch to the Governor-General.	40
73	To India Office ...	—	July 12	Transmits copies of Nos. 68, 70, 71 and 72, and draft of a despatch to the Governor-General.	41
74	Foreign Office ...	—	July 16	Concurs in the draft despatch to the Governor-General enclosed in No. 72.	41
75	India Office ...	—	July 24	Concurs in the draft despatch to the Governor-General enclosed in No. 73.	41
76	To the Governor-General.	580	August 17	States that His Majesty's Government take exception to the Saskatchewan Act "to prevent the employment of female labour in certain capacities" as it discriminates by name against Japanese and British Indian subjects, and asks that Ministers will consider the question and invite the Provincial Government to amend the Act so as to remove the discrimination referred to.	41

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77	To the Governor-General.	Secret	August 17	Transmits, with reference to No. 76, copy of a note on the Saskatchewan Act which was communicated to Mr. Borden, with whom the matter was discussed, and requests that, as the matter is of no small importance, he will not fail to urge the question on the attention of Ministers and keep the Secretary of State informed of any action taken.	42
78	The Acting Governor-General.	Secret	September 14 (Rec. Sept. 28.)	Transmits, in reply to No. 77, minute of Privy Council stating that the Act will be brought to the notice of the Lieutenant-Governor of Saskatchewan with the request that his Government will again consider the matter.	43
79	The Governor-General.	Confidential.	November 20 (Rec. Dec. 2.)	Transmits copy of a Privy Council minute stating that the Government is prepared to issue permits of admission to British Indian subjects who may wish to visit Canada temporarily on the conditions stated, but does not desire that the fact should be made public.	44
80	To India Office ...	Confidential.	December 7	Transmits a copy of No. 79; proposes to thank the Canadian Government, but asks first for observations.	45
1913.					
81	Foreign Office ...	—	January 9	Transmits copy of a despatch to His Majesty's Chargé d'Affaires at Tokio communicating the substance of a conversation with Baron Kato with regard to the attitude of some of the Provincial Governments of Canada to Japanese residents.	45
82	To the Governor-General.	Secret	January 15	Transmits a copy of the enclosure in No. 81; trusts that the Act of the Legislature of Saskatchewan referred to will be repealed, and a measure substituted in terms not offensive to Japanese or other Asiatics, or that it will be disallowed; suggests that British Columbia should impose a language test instead of a direct discrimination against Japanese on racial grounds; and requests information regarding the change in the Fishery Regulations referred to by Baron Kato.	48
83	India Office ...	—	February 1	Concurs in the proposal in No. 80 to thank the Dominion Government for their offer to issue permits; notes the suggestion that the decision should be regarded as confidential, but assumes that the Indian Government will be at liberty to make a statement as indicated; transmits a copy of a letter from the Indian Government respecting the admission of wives and minor children; and requests further information on the case of the two Sikh women referred to.	48

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1913.					
84	The Governor-General.	Secret	January 23 (Rec. Feb. 5.)	Forwards a copy of a letter from the Department of External Affairs stating that the Saskatchewan Act to prevent the employment of female labour in certain capacities has been amended by the omission of the specific reference to Japanese.	50
85	Ditto ...	39	January 27 (Rec. Feb. 7.)	Encloses a copy of a letter from the Department of External Affairs, stating that no special facilities are offered to encourage Armenian emigration, and describing the regulations in force respecting Asiatic immigrants.	51
86	Ditto ...	56	February 4 (Rec. Feb. 15.)	Transmits a copy of a letter from the Department of External Affairs reporting the circumstances in which two Sikh women were allowed to remain in Canada.	51
87	To the Governor-General.	Secret	February 17	Expresses satisfaction that the amendment indicated in the enclosure in No. 84 has been made.	52
88	To Foreign Office and India Office.	—	February 18	Transmits copies of Nos. 84 and 87 ...	52
89	To Foreign Office...	—	February 18	Transmits a copy of No. 85, and points out that among the regulations applicable to all immigrants into Canada, including Asiatics, is a rule which prohibits the landing of any immigrants who have come to Canada otherwise than by continuous journey from their native country, and upon through tickets purchased in that country or in Canada.	53
90	To the Governor-General.	Confidential.	March 6	Transmits a copy of the enclosure in No. 83, together with copies of the Immigration Acts of the Cape, Natal and the Transvaal and of New Zealand, and the South African Bill, and requests observations of Ministers on the views of the Indian Government.	53
91	Ditto ...	Confidential, 2.	March 6	Acknowledges the receipt of No. 79, and expresses thanks for the offer of the Dominion Government to issue permits in certain cases; observes that the decision is to be regarded as confidential, but enquires whether the Indian Government will be at liberty to state that the Act empowers the Minister of the Interior to issue temporary permits, and that there is no reason to suppose the power will not be exercised with reasonable liberality in all proper cases.	53
92	Ditto ...	Telegram	March 27	Presumes, with reference to No. 84, that his Government will represent to the Government of Ontario the strong objections to the proposed Bill to prohibit the employment of women by Orientals.	54

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
93	India Office ...	Confidential.	April 17	Calls attention to the arrival in London of a deputation from the Khalsa Diwan Society of Vancouver; enquires what action the Secretary of State proposes to take in the matter of any request for a personal interview, and makes observations as to the character and apparent objects of the deputation.	54
94	To India Office ...	Confidential.	April 25	Observes that Mr. Harcourt could not receive the deputation referred to in No. 93 unless they had previously approached the Canadian Government; but agrees, if it is considered desirable, to allow the Under-Secretary of State to give them an informal interview at which he would explain this to them, and adds that the deputation should be confined to Indians resident in British Columbia.	55
95	The Acting Governor-General.	Confidential.	April 17 (Rec. April 28.)	Forwards a copy of a letter from the Department of External Affairs stating, in reply to No. 91, that there does not seem to be any objection to the Indian Government being advised that permits of the kind referred to will be issued in all proper cases.	55
96	Ditto ...	Confidential.	April 19 (Rec. April 29.)	Forwards letter from the Prime Minister, stating that in the circumstances it does not seem to be in the public interest to make any change in the existing regulations as to the admission into Canada of the wives and minor children of British Indians.	56
97	India Office ...	Confidential.	April 30	Concurs in views expressed in No. 94; suggests that an India Office representative should be present at the reception.	57
98	Sir W. Wedderburn to Sir John Anderson.	—	May 1	Understands that the Colonial Office is prepared to give an audience to the Sikh delegates from British Columbia, and expresses desire of himself and friends to accompany the delegates.	57
99	To India Office ...	Confidential.	May 5	Agrees, in reply to No. 97, that it is desirable that the India Office should be present at the informal reception of the deputation; encloses copies of Nos. 98 and 100, and adds that an application has not yet been made for an interview.	58
100	Sir John Anderson to Sir W. Wedderburn.	—	May 5	States, in reply to No. 98, that Mr. Harcourt cannot receive the deputation, since, he understands, they have not first approached the Canadian Government; but he agrees to Sir John Anderson giving an informal interview to those members of the deputation usually resident in British Columbia; Mr. Harcourt considers it undesirable that any British sympathisers should be present at this interview.	58

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101	Sir W. Wedderburn to Sir John Anderson.	—	May 7	States that he has explained to the delegates the objections to the deputation being received by Mr. Harcourt; and they state they are prepared to produce documentary evidence showing that they put their case fully before the Canadian Government.	59
102	Sir John Anderson to Sir W. Wedderburn.	—	May 9	Requests him, in reply to No. 101, to make it clear to the delegates that Mr. Harcourt cannot receive them unless the conditions stated in No. 100 are fulfilled, but if the deputation desire to have the interview with Sir John Anderson which was promised, he will make an appointment.	59
103	Sir W. Wedderburn to Sir John Anderson.	—	May 10	States that he will communicate to the delegates the message contained in the last two paragraphs of No. 102.	59
104	Delegation Khalsa Diwan Society and United India League.	—	May 12	Asks for an interview on Wednesday, 14th May.	60
105	The Acting Governor-General.	Confidential.	April 30 (Rec. May 13.)	Forwards a copy of a letter from the Department of the Interior covering a letter from the Dominion Immigration Agent at Vancouver forwarding one from the Deputy Commissioner at Ferozepore reporting the desire of Jat Sikhs to emigrate to Canada and asking whether there is full admission for such.	60
106	To the Acting Governor-General.	Confidential.	May 21	Transmits copies of Nos. 98 and 100 to 103 and a statement of their case which the delegates handed in at their interview with Sir J. Anderson, and a note of the proceedings on that occasion.	62
107	To India Office ...	—	May 22	Transmits copies of No. 106 and the enclosures.	64
108	The London Canadian-Indian Immigration Committee.	—	May 30	Communicates a resolution passed at a public meeting convened by the Committee expressing the view that the "continuous journey clause" operates most harshly towards British Indians, and particularly towards those already settled in Canada, in that it precluded their wives and children from joining them.	65
109	To India Office ...	—	May 31	Transmits a copy of No. 105; requests observations on this despatch; and enquires whether, in the light of facts now reported, the previous decision of the Government of India not to regulate emigration to Canada by a system of passports cannot be reconsidered.	66
110	Ditto ...	—	June 10	Transmits a copy of No. 108; and proposes to reply that the matter is one primarily for the consideration of the Canadian Government, and to forward a copy of the correspondence to that Government.	66

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111	India Office ...	—	July 11	Concurs in the reply to the London Canadian-Indian Immigration Committee proposed in No. 110; forwards a copy of a despatch to the Government of India inviting them to reconsider the possibility of the adoption of a passport system in India; and suggests that the Canadian Government might be consulted on this matter.	66
112	To London Canadian-Indian Immigration Committee.	—	July 23	States, in reply to No. 108, that the matter is one primarily for consideration by the Canadian Government and copies of the correspondence are therefore being forwarded to them.	67
113	To India Office ...	—	July 23	Transmits drafts of despatches which it is proposed to address to the Acting Governor-General of Canada with regard to the matters dealt with in No. 111; and explains that it is not considered desirable to ask the Dominion Government whether they would accept a passport system until it is known whether the Indian Government would adopt it.	68
114	India Office ...	Confidential.	August 7	Concurs in the terms of the draft despatches enclosed in No. 113; encloses copies of a despatch and a telegram from the Government of India as to the admission into Canada of wives and children of resident Indians without the requirement of a continuous journey; and a draft of a telegram in reply.	68
115	To the Acting Governor-General.	Confidential.	August 13	Transmits copies of Nos. 108 and 112; and requests that he will ascertain from his Ministers whether it would be possible to relax the existing regulations in favour of the families of British Indians domiciled in Canada if arrangements were made for the verification in India of the particulars of identity.	70
116	Ditto ...	Confidential (2).	August 13	States, in reply to No. 105, that the attention of the Government of India has been drawn to the undesirability of any steps being taken which would give rise to the impression that immigration to Canada is encouraged by officers of the Indian Government; and that Government has been informed that the Secretary of State for India considers that there is serious objection to the inauguration of direct correspondence of the character forwarded in No. 105.	70
117	To India Office ...	Confidential.	August 13	Concurs, subject to a verbal alteration, in the draft telegram submitted in No. 114.	71

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
118	The Acting Governor-General.	Telegram	(Rec. Aug. 16)	Communicates a minute of the Committee of the Privy Council, respecting a statement in the Press to the effect that the establishment of a direct service between Calcutta and Vancouver is contemplated, stating that the Committee view with great concern the prospect of an influx of large numbers of East Indians into Canada which would in their opinion undoubtedly be the result of such a service, but that, before proceeding with the consideration of the measures best adapted to prevent such an irruption of Hindus, they desire to ascertain whether any restraining action on the part of the Government of India is possible.	71
119	Foreign Office ...	—	August 19	Forwards an extract from the "Times" in which it is stated that a movement has begun to secure legislation in British Columbia similar to that in California prohibiting the ownership of land by Chinese or Japanese; and requests information on the subject.	72
120	To India Office ...	—	August 19	Transmits a copy of No. 118; trusts that the message will receive serious attention, and that the Indian Government will be able to agree to negotiations being opened up with the Canadian Government for a settlement of the immigration question on the lines of the Agreement in force with Japan.	72
121	To the Acting Governor-General.	Secret	August 27	Forwards a copy of the enclosure in No. 119 and requests any information on the subject; and points out that no reply has been received to No. 82 except as regards the Saskatchewan Act indicated.	73
122	The Acting Governor-General.	542	August 28	Forwards a copy of a Privy Council minute calling attention to the reported scheme for the establishment of direct steamship communication between Calcutta and Vancouver, and suggesting that, before the consideration of measures best adapted to prevent such an influx of Hindus as appears to be threatened is proceeded with, it should be ascertained whether the Indian Government can take any steps to restrain the establishment of the service.	73
123	India Office ...	—	September 9	Forwards, in reply to No. 120, a copy of a telegram from the Indian Government reporting that they have no information regarding the scheme beyond that contained in the papers referred to.	74

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
124	To the Acting Governor-General.	Secret	September 20	Observes that Chapter 19 of the Statutes of the Legislative Assembly of Manitoba for 1913 differentiates against Chinese, Japanese, and other Oriental persons by name; calls attention to the exception taken by His Majesty's Government and by the Japanese Government to such legislation, and presumes that steps will be taken to amend the measure.	74
125	To India Office ...	—	September 22	Transmits a copy of No. 122 ...	75
126	The Acting Governor-General.	Telegram	(Rec. Oct. 17)	States, with regard to the threatened influx of Hindus which is still imminent, that it is proposed to forbid the immigration of artisans; observes that, in view of the confidential arrangement with the Japanese Government, it is desired that the necessity for this amendment should be explained to the Japanese Government, it being pointed out that the regulation must be couched in general terms, no exemption can be made of Japanese subjects; and suggests that a proper explanation of the situation might also, if His Majesty's Government consider it desirable, be made to the Indian Government.	75
127	To India Office ...	—	October 18	Transmits a copy of No. 126; suggests that an explanation as therein indicated should be made to the Indian Government, and proposes to inform the Canadian Government that this is being done.	76
128	To Foreign Office ...	—	October 18	Transmits a copy of No. 126; suggests that an explanation as indicated therein should be made to the Japanese Government, and proposes to inform the Canadian Government that this is being done.	76
129	The Acting Governor-General.	Confidential.	October 9 (Rec. Oct. 30.)	Transmits a copy of a Privy Council minute explaining that his advisers feel that the "continuous journey" regulation cannot be waived in favour of the people referred to in No. 115.	76
130	India Office ...	Confidential.	October 27	Forwards, in continuation of No. 123, a copy of further communications from the Indian Government on the subject, reporting that their objections to the passport system remain undiminished, but that they see no objection to assisting in procuring identification, and suggests that they might be confidentially communicated to the Canadian Government, and enquires whether any further information can be obtained from Canada as to the reported scheme for the establishment of a direct steamship service.	77
131	India Office ...	—	October 28	States that a communication in the sense desired in No. 127 has been made to the Indian Government.	79

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
132	Foreign Office ...	—	October 31	Transmits a copy of a telegram to His Majesty's Ambassador at Tokio in the sense of No. 128.	80
133	To the Governor-General.	Telegram	November 3	States, in reply to No. 126, that the Governments of Japan and India are being informed accordingly; and requests copies of the Order-in-Council of the 22nd September.	80
134	To India Office ...	—	November 5	Transmits a copy of No. 129; enquires, before communicating a copy of the first enclosure in No. 130 to the Governor-General, whether the Marquess of Crewe wishes to offer any further observations; and indicates the terms in which it is proposed to address the Governor-General.	81
135	Foreign Office ...	—	November 10	Forwards, with reference to No. 132, a paraphrase of a telegram from His Majesty's Ambassador at Tokio reporting the satisfaction of the Japanese Government that no change is contemplated in the understanding which now exists on the subject between the Canadian and Japanese Governments.	81
136	To the Governor-General.	Confidential.	November 12	Transmits a copy of the enclosure in No. 135.	81
137	The Governor-General.	Secret	November 5 (Rec. Nov. 17.)	Transmits, in reply to No. 124, a copy of a letter from the Department of External Affairs stating that it is not intended to bring the Act into force in its present form, and that if it is decided to introduce legislation to amend the Act, it will take the form of the Saskatchewan Act, and will not refer to any people by name.	82
138	Meeting of Hindus at Vancouver to the Secretary of State for India.	Telegram	November 14 (Rec. in Colonial Office Nov. 22.)	Urges that the Canadian Government be requested to stop deportation, and to admit to Canada the 39 Sikhs detained at Victoria.	82
139	To the Governor-General.	Secret	November 22	Notes the decision communicated in No. 137 with much satisfaction.	83
140	India Office ...	—	November 24	Enquires whether the Secretary of State has any information with regard to the reported deportation from Victoria of a Hindu priest by the immigration authorities, and as to the case of 39 Sikhs said to be detained at Victoria.	83
141	Foreign Office ...	—	November 25	Transmits a copy of a despatch from His Majesty's Ambassador at Tokio covering a copy of a memorandum from the Japanese Government expressing satisfaction that the proposed amendment of the Canadian immigration regulations does not contemplate any modification of the arrangement between Japan and Canada.	83

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
142	To the Governor-General.	Confidential.	November 26	Transmits a copy of No. 133; requests that the chairman of the meeting be informed that the Secretary of State for India has received the telegram, but that he can take no action, as the matter is one for the decision of the Government or the Courts of the Dominion; and asks for a report on the case of the Sikhs referred to.	81
143	To India Office ...	—	November 26	States, in reply to No. 140, that the Secretary of State has no information on either subject beyond what has appeared in the public Press; and transmits a copy of No. 142.	85
144	To the Governor-General.	Secret	November 28	Transmits a copy of the enclosure in No. 141.	85
145	India Office ...	Confidential.	December 9	Consents in the terms of the proposed communication to the Dominion forwarded in No. 134, and regrets, for the reasons specified, the decision to make no concession as regards the admission of wives of Indians already resident in British Columbia.	85
146	To the Governor-General.	Confidential.	December 17	Transmits a copy of the first enclosure in No. 130; requests that he will explain to Ministers that feeling in India is particularly high and the acceptance by the Indian Government of any passport system, or the passing of any legislation involving the restriction of free immigration would be deeply resented; enquires whether Ministers have received any further information as to the alleged proposal to establish direct steamship communication between Calcutta and Vancouver.	86
147	Ditto ...	Secret	December 17	Transmits a copy of No. 145, and requests that the views expressed therein may be explained to Ministers.	86
148	To India Office ...	—	December 17	Transmits copies of Nos. 146 and 147 ...	87
149	Foreign Office ...	—	December 23	Transmits a copy of a despatch to His Majesty's Ambassador at Tokyo recording a communication from the Japanese Ambassador regarding the revised Regulations governing immigration into British Columbia; and observes that, since leaving the memorandum enclosed therein, the Ambassador has stated that the difficulty is now satisfactorily settled, and asked that if no communication had yet been made to Canada steps might be taken to stop it.	87

UNION OF SOUTH AFRICA.

1913.					
150	To the Governor-General.	Confidential.	August 14	Forwards copies of Nos. 151 and 155 ...	89

GENERAL.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
151	India Office ...	—	December 21	Transmits copies of a despatch from the Indian Government forwarding a petition from Sir Jamsetjee Jeejeebhoy, as chairman of a public meeting in Bombay, respecting the grievances of Indian subjects resident in the Colonies, more especially in South Africa, Canada and British East Africa; requests that the information asked for by the Government of India regarding British East Africa and Uganda may be furnished; and invites observations on the questions raised in the papers.	90
1913.					
152	To India Office ...	—	January 17	Submits observations on the statements contained in the memorial enclosed in No. 151.	99
153	India Office ...	—	February 13	States, in reply to No. 152, that the attention of the Indian Government is being invited to the error in the published reports as to the statements by the Hon. R. Rogers; requests further information as to the intentions of the Union Ministry with regard to the £3 tax in Natal, and as to the legal position of polygamy in South Africa.	102
154	To India Office ...	—	March 11	Observes, in reply to No. 153, that it would be correct to state that the law of the Cape has always declined to recognise polygamous marriages of the so-called Malay community; but that the Union Government is being communicated with on the subject.	102
155	India Office ...	—	July 25	Transmits, with reference to No. 152, a copy of a despatch from the Government of India to the Government of Bombay replying to the statements in Sir Jamsetjee Jeejeebhoy's memorial.	103

FURTHER CORRESPONDENCE
RELATING TO THE
TREATMENT OF ASIATICS IN THE
DOMINIONS.

[NOTE.—The correspondence is arranged in geographical sections.]

AUSTRALIA AND NEW ZEALAND.

242

No. 1.

TASMANIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 4.55 p.m., 4th January, 1912.)

TELEGRAM.

[Answered by No. 2.]

My attention has been called to sub-section (g) of definition of "Factory" in Section 2 of Factories Act Amendment Bill. You are aware of grave objection to racial discriminations of this type, and I presume that by appropriate representations you succeeded in obtaining suitable modification.—HARCOURT.

4935

No. 2.

TASMANIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 17 February, 1912.)

[Answered by No. 3.]

(No. 2.)

Sir, Government House, Hobart, Tasmania, 12th January, 1912.

With reference to your cablegram received on 5th instant* regarding so much of the definition of "Factory" as is contained in Section 2, Sub-section 11, of the Bill to amend "The Factories Act, 1910," I am advised that the definition referred to is merely a re-enactment of the one contained in Section 4, Sub-section 1 (b) of "The Factories Act, 1910" (1 George V., No. 57).

A similar provision has been contained in the Acts of other States of the Commonwealth for several years, and I am not aware that any objection was taken to the legislation passed in this State in 1910, nor to the legislation passed in other States on the ground of racial discrimination.

It has been found necessary throughout the Commonwealth to deal with factories conducted by Asiatics on more stringent lines, from a health and sanitary point of view, than with factories conducted by Europeans.

I have, &c.,

HARRY BARRON,
Governor.

(No copy to Governor-General.)

* No. 1.

TASMANIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 8.]

(No. 29.)

SIR,

Downing Street, 20 March, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 2, of the 12th of January,* on the subject of the definition of "Factory" contained in Section 2 of the Act to amend "The Factories Act, 1910."

2. In reply I have to express my regret that when my telegram of 4th January† was sent my attention had not been drawn to the similar definition in Section 4 of the Act of 1910.

3. I desire, however, to point out that you are mistaken in thinking that similar provisions have existed in the Acts of the other States of the Commonwealth for several years. It is true that the Factories Act, 1904, of Western Australia contained a provision similar to the provision now adopted by the Parliament of Tasmania. This Act, however, formed the subject of a petition to His Majesty's Government from certain British Indians resident in the State, and Mr. Lyttelton brought the matter to the notice of the Government of Western Australia, and invited them to ask the State Parliament to alter the provision of the Act, to which exception had been taken. It was not, however, found possible by the Government to secure the assent of Parliament to an alteration.

4. In 1907 a Factories Bill was introduced into the Parliament of Victoria which contained a similar clause dealing with the case of Asiatics, but the clause was omitted during the passage of the Bill through the Upper House. It was not, therefore, necessary for His Majesty's Government to take any action.

5. A Bill was introduced into the Parliament of New South Wales in 1910 to amend the Factory Act. This Bill contained a section affecting Asiatics on the same model as that which has been adopted in Tasmania. His Majesty's Government took exception to the Bill on the ground of the undesirability, for political reasons affecting the Empire, of discriminating against all Asiatics *nominatim*. The Government of New South Wales, appreciating the position and the motives of His Majesty's Government, secured an alteration of the Bill so as to restrict the proposed disabilities to the case of Chinese, a course in which His Majesty's Government acquiesced, as the position of Chinese has always been treated on a different basis from that of other Asiatics.

6. No provision affecting Asiatics has been included, so far as I am aware, in the Factories Acts of South Australia and Queensland since 1905, and I understand that in both these States the objections to legislation dealing *nominatim* with Asiatics are now fully appreciated.

7. In these circumstances I shall be glad if you would discuss the matter with your Ministers, and ask them whether they cannot secure an amendment of the Act of 1910 as amended in 1911 so as to restrict its operation to the case of Chinese only, as was done in the case of the New South Wales Act.

I have, &c.,

L. HARCOURT.

TASMANIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 6.]

(Secret.)

SIR,

Downing Street, 20 March, 1912.

IN my despatch, No. 29, of even date‡ I have addressed you with regard to the question of Act No. 43 of 1911 of the Parliament of Tasmania, entitled "An Act to amend the Factories Act, 1910."

* No. 2.

† No. 1.

‡ No. 2.

2. I have to invite your attention to Lord Elgin's confidential despatch of the 9th of May, 1906,* in which, while withdrawing the instructions which had been issued to all Governors of Australian States in Mr. Lyttelton's confidential circular despatch of the 11th of November, 1905,† for the reservation of all Bills affecting Asiatics *nominatim*, he expressed the desire that His Majesty's Government should be kept fully informed, by telegraph if necessary, of proposed legislation touching Imperial matters, a term which, as the despatch shows, was intended to cover the case of legislation affecting Asiatics.

3. I would also remind you that your personal attention was directed to this matter in the 5th paragraph of the letter from this Office of the 19th of June, 1909.‡

4. It would have been in accordance with the spirit of these instructions had you communicated with me by telegraph when the Bill for the Act of 1910 was introduced into the Parliament of Tasmania.

I have, &c.,

L. HARCOURT.

AUSTRALIA.

INDIA OFFICE to COLONIAL OFFICE.

(Received May 17, 1912.)

[Answered by No. 7.]

SIR,

India Office, Whitehall, London, S.W., 17th May, 1912.

WITH reference to Sir Charles Lucas's letter of 16th June, 1906, No. 17,500,§ and connected correspondence, I am directed to forward herewith, a copy of a letter from the Austral-Indian Society on the subject of disabilities suffered by Indians resident in Australia, and by certain Indians formerly domiciled in Australia who now find themselves debarred from returning.

Much of the hardship complained of is the inevitable result of the passing of the Immigration Restriction Acts of 1901/5, with regard to which Lord Morley agreed in the letter of 11th July, 1906,|| not to press further for certain amendments suggested by the Government of India; but the Secretary of State for India in Council does not feel himself debarred by the terms of that letter from expressing the hope that it may yet be found possible to devise some means of relieving the hardships to which Indians in Australia are undoubtedly exposed.

I am further to point out that one at least of the present complaints against the operation of the Immigration Restriction Act is not met by the explanation furnished in Sir Charles Lucas's letter of 16th June, 1906. It was urged in that letter that Section 8 of the 1905 Act is really less rigorous than Section 3 (u) of the 1901 Act, because the result of the latter section was to leave the admission of each would-be immigrant to the discretion of an "officer," whereas under the 1905 Act a person leaving the Commonwealth, but intending to return, knows his position before he leaves. It is manifest, however, that a domiciled Indian who left Australia before the Act of 1905 came into force is worse off under the new Act than he was before, inasmuch as under the Act of 1901 he might have been permitted to return at the discretion of an "officer," but under the 1905 Act he cannot be permitted to return at all, except apparently under Section 6 of the amended Act, under which his admission to Australia is still at the discretion of an "officer," and is also conditional on his depositing £100.

For the reasons indicated in the preceding paragraphs I am to say that the Secretary of State for India in Council trusts that Mr. Secretary Harcourt will use his utmost endeavours to induce the Commonwealth Government to give attentive consideration to the petition of the Austral-Indian Society, and to take such measures as circumstances may admit to mitigate the hardships of their position.

I have, &c.,

ED. S. MONTAGU.

* No. 207 in Dominions No. 3.
§ 17500: not printed.† No. 197 in Dominions No. 3.
‡ 17829: not printed.
| 25125: not printed.

Enclosure in No. 5.

The Austral-Indian Society, Commonwealth of Australia,
257, Brunswick Street, Fitzroy, near Melbourne,

29th January, 1912.

SIR,

WE, the members of the Austral-Indian Society, have the honour to address you and humbly beg to lay our grievances before you with the firm belief of receiving justice from your hands.

We desire to state that there are about 550 Indians (250 Hindoos and 300 Mahomedans) in the State of Victoria, about 700 in New South Wales, 400 in Queensland, 150 in New Zealand, 60 in Tasmania, 250 in Adelaide, and 800 in Perth, Western Australia; all of them are principally engaged in the hawking trade, i.e., travelling about, selling their goods, excepting those in Perth, Western Australia, who are chiefly Afghans, engaged in the camel carrying trade, but all British Indian subjects.

We are sorry we cannot give you definite information regarding our fellow countrymen, who are principally scattered all over the different States, but of those in the State of Victoria, the seat of the Government of the Commonwealth of Australia, of whom we know personally, we have to state, there are 6 merchants, 7 who have land growing potatoes and onions, and 2 who have land growing wheat, &c. One of the merchants, a Hindoo gentleman, Mr. Mukand Lal, our worthy President, a native of Bilga in Jellhundur, possesses two good racing horses, and is much given to racing, and all the others are engaged in the hawkers' and pedlars' trade; we are proud to say that they are all law-abiding citizens, most respectful, honest and good men. We have had the opportunity of knowing and seeing how our countrymen are treated by the Australians.

Before the passing of the Immigration Restriction Act of 1901, we must say we had not the slightest cause to complain, but ever since Federation, and chiefly since the Labour Government has come into power, we have been much despised, cruelly treated, and deprived of the rights of citizenship.

Asiaties are debarred from being enrolled on the electoral rolls—though there are several possessing real estates—and nearly everyone having banking account (monies deposited in the Government Savings Bank) yet they are not allowed to have the right to vote at an election. They are not allowed to bring their wives and children here, or even bring their children for a time to be educated here, and those who took a sojourn in India before the passing of the Immigration Restriction Act, to see their wives and families—though they had been here from 10 to 5 years before 1901—are not allowed to return: of course they were not aware when they left that such restrictions would have been passed on them.

We find it, indeed, very very difficult to obtain permission for even some to return when they have by some unforeseen circumstances overstayed the period of the exemption certificate given them. They are looked down on, and treated with disgust by the majority of the Australians; it is only the pure-blooded Britishers who treat them well. Can we expect anything better when Mr. Barton (now one of the Judges of the High Court of the Commonwealth of Australia) when Prime Minister of the Commonwealth Parliament, in the House, said: "It was never ordained that the black man should be on an equality with the white man."

The police are much against our fellow subjects, for when cases occur in the country districts and the person charged is an Indian, they go dead against him, and will not obtain the services of an interpreter for him, unless the magistrate orders them. As you well know, these poor fellows, when charged with a serious offence, get quite excited, cannot at the best of times express themselves and make themselves understood in English, knowing nothing of the law and the court procedure. But when the poor fellow is committed for trial, i.e., he is to be tried before a judge and jury, strange to say, the Crown law authorities invariably engage an interpreter. He does only then receive justice, but if found guilty there is really no mercy shown him, so markedly severe is the treatment meted out to them in comparison to that of the white man.

A poor Indian priest, Saied Ahamed Shah, at Warburton was most deliberately shot dead by a labourer named Polly, whilst sitting on a log in his own paddock in March, 1911. The jury, "12 white men," found Polly *not guilty*, and he was discharged, though the judge, Mr. Justice A'Beckett, summed up strongly against the prisoner Polly.

Now, Sir, our Secretary, Mr. Pritchard, has frequently interviewed the officials and members of Parliament on behalf of his fellow Indian countrymen. Though he is not of Indian blood, he is the son of the late Captain William Pritchard of the Bengal Staff Corps, who was for several years in the Army Clothing Agency at Allipore, Calcutta. He was born in Choonar, India, in 1854, was educated in Calcutta, and is of European parents. Yet he claims India as his home and country. We cannot really get justice from the Department of External Affairs. We forward you copies of letters, also submitted to them on their behalf, and answers received. We are very sorry we are unable to send you a copy of the letter Mr. Pritchard, as Secretary to the Austral-Indian Society, wrote to the President of the National Indian Congress in January last, but regret much to state that we have not been favoured with a reply.

We are sure you will do all you can for our future welfare and benefit.

Re the subject of those desirous of returning to the Commonwealth, we would beg to point out to you, particularly, the question,—Where can a poor unfortunate Indian in India, who so wishes to return, get £100 = Rs. 1,500 to deposit in cash, with the Collector of Customs in Melbourne, who may besides this have to deposit another £100 with the captain of the steamer to bring him out to Melbourne? The Secretary to the Department of External Affairs, who is the permanent head, knows this to be impossible, and therefore rigidly enforces the Act.

Only in five cases out of twelve he was lately appealed to about, by Mr. Pritchard, whose claims were put forward by him, has he granted permission to return to Melbourne, on being satisfactorily identified and a payment of £1, and the other seven poor fellows are waiting in Bombay. There is absolutely nothing against these men; they can all be identified and numerous independent farmers, and others in the districts, have given the police good certificates of character for them, yet they are refused re-admission.

We also enclose a copy of what appeared in one of our evening journals, for your information.

The burden of our request is—

1. British justice.
2. The right of allowing the Indians who had been here prior to the Immigration Restriction Act to re-enter.
3. That the Indians who are here be allowed to bring their wife and children, and be given an elector's right to vote.

We humbly beg you will pardon us for the liberty taken in encroaching upon your most valuable time and attention, with the full hope and confidence that we may safely leave the matter in your hands.

We have, &c.,
The Austral-Indian Society.

per A. H. PRITCHARD,
Secretary.

To the Honourable,
His Majesty's Secretary of State for India,
Houses of Parliament, London, England.

The Austral-Indian Society, Commonwealth of Australia,
257, Brunswick Street, Fitzroy, near Melbourne, 4th January, 1912.

SIR,

I HAVE the honour respectfully to address you on behalf of those Indians, British subjects who had resided in the Commonwealth for over and above the period of five years, prior to federation, and the passing of the Immigration Restriction Acts of 1901-5, and who left for a sojourn in India, and are desirous of returning to the Commonwealth. Claiming that they had been domiciled here, and being unaware of the passing of the Restriction Act, they had frequently applied to the shipping companies at Bombay for passages to Australia, when they were told that unless they had exemption certificates issued in their favour they could not obtain passages to Australia: it was then that these poor illiterate men, unable even to read or write their own language, much less English, came to the knowledge that they were debarred from returning to their home of choice, "Australia."

In fairness to these men I must inform you of certain facts and how they are handicapped. They live distances of 30 to 50 miles away from the principal centres without railway facilities, and for one to have a letter read or written for him would necessitate his having to undertake the journey to the principal city on foot and wait the will and pleasure of the literate person—paying him a few rupees to write or read his letters for him.

You would, Sir, doubtless be surprised to know that among the number of Indians here in this State of Victoria, we have about ten Indians who can read and write the Hindustannic language, all the others are perfectly illiterate, but they all more or less can speak pigeon English.

The majority of them came to Australia working their passages on board the various steamers trading with the East and giving as much as 50 rupees to the serang on the Peninsular and Oriental Company's steamers to land them either in Melbourne or Sydney. (If you recollect, Sir, I made a communication years ago to you on this matter), but I am pleased to state that ever since the passing of the Restriction Act in 1901 this practice has been stopped as far as Victoria is concerned.

These men being illiterate, under the circumstances, can scarcely be expected to definitely state the date and year and name of the steamer by which they originally came to Australia.

But I would respectfully beg to urge that, when abundant and most reliable proof can be produced of the applicant's identity and of his having been well known in the State for over five years before the Restriction Act was passed, or before Federation took place. That should go a great deal in the applicant's favour, and being of good character he should be allowed the benefit of any doubt (as you well know the greatest criminals are given the benefit of a reasonable doubt), and to on arrival prove his identity.

And in the case of any applicant failing to establish his identity or satisfy the officer of Customs, I, as the Secretary to the Society, am requested to inform you that such applicant will be immediately returned to the port from whence he came and the Government of the Commonwealth will in no way be hampered or encumbered with him.

The police make a most diligent and careful enquiry into all these cases, and I can assure you, Sir, that I would not submit any case to you for your favourable consideration and orders unless it were genuine and legitimate.

I particularly wish to draw your attention to the deputation (concerning—re-admission of Indians who have been here, on satisfactory proof of their identity; the deportation of criminal Indians, and the admission of Indians possessing real estate in the Commonwealth; and having the right to vote and their appearing on the electoral roll and the admission of the wives of Indians now domiciled in the Commonwealth) to the late Minister, Mr. Batchelor, introduced by Dr. Maloney, M.H.R., from my Society. Dr. Maloney was present right through.

I hope you will pardon my saying that I am inclined to think that the late Minister (Mr. Batchelor) overlooked to have any record of this matter taken. But Dr. Maloney could substantiate what I say if referred to.

In conclusion I would earnestly beg to you to favourably consider the applications now pending before you, of those Indians who names are noted below.

I would like humbly to point out to you that these men have been waiting since September last until now to get permission to return to Australia, and I most respectfully beg that you will favour me with a reply.

Thanking you again for your exceeding kindness in allowing me to encroach on your valuable time and attention.

I have, &c.,

The Austral-Indian Society,

A. H. PRITCHARD,

Secretary.

Atlee Hunt, Esq., C.M.G.,

Secretary, Department of External Affairs,
Melbourne.

Mahomed Mullah. (Sent through the Collector of Victorian Customs.)
(Dated 27 September, 1911.)

Nuttow or Nuttoo. (Sent through the Collector of Victorian Customs.)
(Dated 18 September, 1911.)

Bahran Ally. (Sent through the Collector of Victorian Customs.)
Dated 18 September, 1911.)

Mahomed Abdoolah. (Sent through the Collector of Victorian Customs.)
Dated 29 October, 1911.)

Commonwealth of Australia, Department of External Affairs,

Melbourne, 14th December, 1911.

Sir,

With reference to your letter of the 4th December, respecting the question of the re-admission to the Commonwealth of Indians who left Australia before the passing of the Immigration Restriction Act, I have the honour to forward the attached copy of Section 6 of that measure, and to inform you that any person coming to the Commonwealth and applying for permission to land under that section will have their cases considered.

2. They must be prepared to prove not merely that they were here before the passing of the Immigration Restriction Act, but that they so identified themselves with this country as to have made it their real home. No rule can be laid down in dealing with these cases, but each case must be considered on its own merits.

3. Unless the officers are fully satisfied that the immigrant has proved his right to remain in Australia, he must be returned to the place whence he came.

I have, &c.,

ATLEE HUNT.

A. H. Pritchard, Esq.,
257, Brunswick Street,
Fitzroy.

Section 6 of Immigration Restriction Act, 1901-10.

6. Any prohibited immigrant within the meaning of paragraph (a) only of Section 3 may, if though fit by an officer, be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:—

- (a) He shall on entering the Commonwealth or on failing to pass the dictation test, deposit with an officer the sum of one hundred pounds.
- (b) He shall, within thirty days after depositing such sum, obtain from the Minister a certificate of exemption in the form of the schedule or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he shall be deemed to be a prohibited immigrant offending against this Act.

Provided that in the case of a person entering the Commonwealth from any vessel this section or penalty shall attach to the vessel its master, owners, agents, or charterers.

"The Evening Herald," Melbourne, 22 November, 1911.

"Sensitive Indians."

Retaliatory Legislation.

Australians concerned.

Perth, Wednesday.

Calcutta telegrams of November 9th announce that at the next sessions of the Indian National Congress a motion will be passed asking the Government of India to enact legislation in relation [retaliation] against Australia, South Africa, and Canada, where Indians are barred under Immigration Restriction Acts, and further to subject immigrants or arrivals in India from the Dominions to the same treatment as is extended by them to Indians, and also to impose restrictions on the trade of those Dominions with India.

17181

8

No. 6.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received June 3, 1912.)

(Secret.)

Government House, Hobart, Tasmania.

25th April, 1912.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch, Secret, of the 20th March last,* on the question of Act No. 43, of 1911, of the Parliament of Tasmania, entitled "An Act to amend the Factories Act, 1910," and pointing out the omission on my part to report to you by telegram the provisions of the Statute so far as they related to Asiatics.

I regret extremely that through an oversight the instructions bearing upon the point should have escaped my attention.

I have, &c.,

HARRY BARRON,

Governor.

(No copy to Governor-General.)

15222

No. 7.

AUSTRALIA.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 10.]

SIR,

Downing Street, 11 June, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th ultimo,† enclosing copy of a letter from the Austral-Indian Society relative to the position of Indians resident in, or desirous of returning to, the Commonwealth of Australia.

2. Mr. Harcourt trusts that the Secretary of State for India in Council will not press the request for the reference of the Society's letter to the Commonwealth Government. The document does not appear to Mr. Harcourt to afford sufficient ground on which to base active representations, and the terms in which it is couched are not such as to predispose the Commonwealth Government to favourable consideration of Indian grievances.

3. In these circumstances it is suggested that the Society should be informed that their letter was duly received, that no useful purpose would be served by referring it to the Government of the Commonwealth, but that His Majesty's Government are prepared to consider whether representations can be made to the Government of the Commonwealth with regard to cases of hardship or unfair treatment arising out of the action of the Australian authorities in refusing Indians previously domiciled in the Commonwealth permission to return to Australia, or otherwise, provided that His Majesty's Government are furnished with full particulars of the specific cases in which it is alleged that Indians have suffered hardship or ill-treatment.

I am, &c.,

H. W. JUST.

21111

No. 8.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received July 8, 1912.)

[Answered by No. 9.]

(No. 20.)

Government House, Hobart, Tasmania.

1st June, 1912.

SIR,

WITH reference to your despatch, No. 29, dated 20th March, 1912,‡ on the

* No. 4.

† No. 5.

‡ No. 3.

9

subject of securing an amendment of "The Factories Act, 1910," as amended in 1911, so as to restrict its operation to the case of Chinese only, I have the honour to transmit the enclosed communication received from the Premier.

I have, &c.,

HARRY BARRON,

Governor.

(No copy to Governor-General.)

Enclosure in No. 8.

(84/1/12.)

YOUR EXCELLENCY,

Premier's Office, Hobart, 30th May, 1912.

REFERRING to the accompanying despatch, No. 29, dated 20th March last, received from the Right Honourable the Secretary of State for the Colonies, with regard to the definition of "Factory" as set forth in Section 2 of an Act to amend "The Factories Act, 1910," I have the honour to inform Your Excellency that I have consulted my colleague the Honourable the Attorney-General on the matter, and he is of the opinion that such an amendment as suggested should be presented to Parliament this Session.

2. Ministers will accordingly take steps to introduce the desired amendment in due course.

I have, &c.,

N. E. LEWIS,

Premier.

His Excellency

the Governor of Tasmania.

21111

No. 9.

TASMANIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 69.)

SIR,

Downing Street, 12 July, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 20, of the 1st of June,* stating that your Ministers are prepared to introduce in this Session of Parliament an Act to amend the definition of "Factory" contained in the "Act to amend the Factories Act, 1910."

2. I shall be glad if you will express to your Ministers my thanks for the decision which they have taken in this matter, and if you will inform me by telegraph of the terms of the amending Act when introduced.

I have, &c.,

L. HARCOURT.

24079

No. 10.

AUSTRALIA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 1 August, 1912.)

[Answered by No. 12.]

SIR,

India Office, Whitehall, London, S.W., 31st July, 1912.

I AM directed by the Secretary of State in Council to acknowledge the receipt of Sir Hartmann Just's letter of the 11th of June,† relative to the position of Indians resident in the Commonwealth of Australia.

The Marquess of Crewe concurs in the opinion expressed by Mr. Secretary Harcourt that the representation of the Austral-Indian Society is insufficient, under the circumstances, as a basis for active representations to the Commonwealth

* No. 8.

† No. 7.

33450

D

Government. The question then arises whether an intimation to that effect should be made by the Colonial or by this Office. In view of the fact that the Colonial Office can alone deal with the Commonwealth, and that the letter is a first communication from a Society domiciled at Fitzroy, near Melbourne, on behalf of their "fellow countrymen scattered over the different States," it may seem preferable that the reply should be sent from your Office. Had individuals or a society established in India addressed the Colonial Office, it is presumed that the India Office would have been the channel of communication.

I am to enquire whether Mr. Secretary Harcourt accepts this procedure, which would apply to letters of acknowledgment as well as those communicating decisions in such cases. This would not affect consultation between the Colonial and India Offices should important issues affecting Indian interests be raised.

I have, &c.,

LIONEL ABRAHAM.

24079

No. 11.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 331.)

MY LORD,

Downing Street, 7 August, 1912.

I HAVE the honour to inform your Excellency that the Secretary of State for India has received from the Austral-Indian Society, whose address is 257, Brunswick Street, Fitzroy, Melbourne, a letter dated the 29th of January, 1912, relative to the position of Indians resident in, or desirous of returning to, the Commonwealth of Australia.

2. I have to request that you will cause the Society to be informed that their letter was received, but that if they have any representations to make to His Majesty's Government with regard to cases of hardship or alleged unfair treatment arising out of the action of the Australian authorities in refusing Indians previously domiciled in the Commonwealth permission to return to Australia, or otherwise, these representations must be made through the Governor-General of the Commonwealth, and must be accompanied with full particulars of the specific cases in which it is alleged that Indians have suffered hardship or ill-treatment.

3. Before forwarding to me any representations which you may receive from the Society, you will, of course, refer them to your Government for any observations which they may desire to offer.

I have, &c.,

L. HARCOURT.

24079

No. 12.

AUSTRALIA.

COLONIAL OFFICE TO INDIA OFFICE.

Sir,

Downing Street, 7 August, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st of July,* on the subject of the representations made by the Austral-Indian Society with regard to the position of British Indians in the Commonwealth.

2. In reply, I am to request you to inform the Marquess of Crewe that Mr. Harcourt concurs in the mode of procedure proposed in your letter, and that he has accordingly addressed the despatch† of which a copy is enclosed to the Governor-General of the Commonwealth on the subject.

I am, &c.,

HENRY LAMBERT.

for the Under-Secretary of State.

* No. 10.

† No. 11.

28082

No. 13.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 3.5 p.m., 9th September, 1912.)

TELEGRAM.

[Answered by Nos. 14 and 17.]

I observe that Sections 11, 21, 22, and 105, Pearling Bill, contain provisions directed by name against Asiatics. Objections of His Majesty's Government to this form of legislation are explained in the Secretary of State's despatch, 9th July, 1907, No. 20.*

Please invite earnest attention of your Ministers to the question, and suggest that sections in question should be amended so as to remove imposition of disabilities *nominatim* on Asiatics.

Please let me know views of your Ministers by telegraph.—HARCOURT.

28692

No. 14.

WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 10.30 a.m., 10th September, 1912.)

TELEGRAM.

Confidential. Your telegram, 9th September,† have conferred fully thereon with Premier of State, who is disposed to do all in his power to meet your views by introducing amendments before Bill is passed, but he desires to confer with colleagues in the Ministry before stating officially the extent and terms of such amendments. Further telegram will be sent.—STRICKLAND.

28082

No. 15.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 12 September, 1912.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, a copy of telegraphic correspondence‡ with the Governor of Western Australia, regarding the provisions directed by name against Asiatics in the Pearling Bill now before the Parliament of that State.

I have, &c.,

L. HARCOURT.

29254

No. 16.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR

(Sent 3.15 p.m., 20th September, 1912.)

TELEGRAM.

[Answered by No. 18.]

I observe that Clause 6 of Jury Bill disqualifies for sitting on jury all aboriginal natives of India. Your Government are aware of strong objections of His Majesty's

* No. 223 in Dominions No. 3.

† No. 13.

‡ Nos. 13 and 14.

Government to discrimination *nominatim* against Indians, and have met these objections by adopting policy of language test. See especially my predecessor's despatch, No. 34, 29th November, 1907.* Having regard to language and character tests contained in Clause 7 and in view of power of challenge in Clauses 46 to 48 I should be very glad if your Ministers could see their way to omit word "India" from Clause 6. Please discuss matter with your Ministers, and telegraph reply as soon as possible.—HARCOURT.

30149

No. 17.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.14 a.m., 24th September, 1912.)

TELEGRAM.

[Copy to Governor-General, September 26, 1912. Confidential.]

Your telegram of 9th September.† My Ministers have decided to introduce amendments in accordance with your wish.—STRICKLAND.

30393

No. 18.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.35 a.m., 27th September, 1912.)

TELEGRAM.

Your telegram 20th September‡ Jury Bill. Amendment suggested will receive immediate consideration.—MACGREGOR.

30393

No. 19.

QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 1st October, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copy of correspondence§ with the Governor of Queensland on the subject of the terms of the Jury Bill of that State as affecting British Indians.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

30393

No. 20.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 2 October, 1912.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of correspondence§ with the Governor of Queensland on the subject of the proposed disqualification of aboriginal natives of India from sitting on juries.

I have, &c.,

L. HARCOURT.

* No. 234 in Dominions No. 3.

† No. 13.

‡ No. 16.

§ Nos. 15 and 18.

36377

No. 21.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA, 1912. CHINESE STUDENTS AND MERCHANTS:

CONDITIONS OF ADMISSION TO THE COMMONWEALTH FOR CERTAIN LIMITED PERIODS
(APPROVED BY THE MINISTER FOR EXTERNAL AFFAIRS).

[Presented by Command; ordered to be printed, 4th October, 1912.]

CHINESE STUDENTS.

Persons desiring to visit Australia for a term of years for the purpose of studying, may be admitted if the following conditions are complied with:—

- (a) Students (either male or female) to be not less than seventeen years nor more than twenty-four years old, to be provided with a passport, issued by the proper Chinese authority, and visé by the British Consul at the port of embarkation. Such passport, if written in the Chinese language, to be accompanied by a translation in English, certified as correct by a Consul. Such passport to certify the age of the student; the source of his financial support; the period he desires to remain in Australia; the course of study he intends to pursue; and the place of his prospective residence. The passport to have affixed thereon a recent photograph of the student, which shall be identified by the British Consul as being that of the person to whom the passport was issued.
- (b) Upon arrival in Australia, and on production of passport, such student to be admitted without the dictation test. Should the stay of such student in Australia be prolonged beyond the period of twelve months, he or she must apply, through the nearest Chinese Consulate, to the Minister for a certificate of exemption to cover the period of his or her projected further residence in the Commonwealth. If such additional period exceeds twelve months, which is the longest period for which a certificate will be issued at a time, fresh application must be made at the end of each twelve months. The total period of stay in Australia of any such student shall not exceed six years.
- (c) Each such student must immediately after arrival in Australia register himself or herself at the nearest Chinese Consulate, and must undertake to keep such Consulate advised respecting any change in his or her plans or place of residence. It is further understood that the Chinese Consulate will keep the Department fully informed respecting any information they may receive concerning students residing under these Regulations.
- (d) The students will immediately after arrival name to the Department two residents or two reputable firms in Australia, and give their permanent addresses, who will be responsible for their financial support, and for their return to China at the expiry of the term.
NOTE.—This condition will not apply to Government students. Other students who have no connexions in Australia must furnish a suitable guarantee.
- (e) While in Australia students admitted under these Regulations must pursue some regular course of study at a recognised educational institute, or be engaged in working at some profession, occupation, or calling requiring a technical or otherwise special training, or be engaged in some special study approved by the Minister, and not be engaged in any calling or occupation of other than an approved nature for the sake of pay or to obtain means of supporting himself.
- (f) It is to be understood that exemptions granted to students give them no right to remain in Australia beyond the period of exemption allowed by the Minister, and that they will return to China before the expiry of such exemption.

2. Merchants.

- (a) Any Chinese merchant desiring to visit Australia must obtain a passport from the proper Chinese authority, which will set out his name, occupation, purpose, and projected duration of visit, and be accompanied by a photograph, to be identified by the British Consul at the port of embarkation.
- (b) The term of "merchant" is to be understood to mean only persons engaged in promoting the wholesale overseas trade between China and Australia, and is not to be understood as including retail shopkeepers, hawkers, or labourers.
- (c) On arrival in Australia such persons will be admitted without the dictation test, and may remain in Australia for a period of twelve months. If they desire their stay to be prolonged beyond that time they must apply to the Minister for a certificate of exemption, setting out the reasons why such extended stay is necessary.
- (d) Any merchant who is admitted will undertake to report himself to the nearest Chinese Consulate, and such Consulate will keep the Department advised respecting any change of residence of the merchant while in Australia.
- (e) It is to be understood that exemptions granted to merchants give them no right to remain in Australia beyond the term permitted by the Minister, and that they will, before the expiry of the exemption, return to China.

No. 22.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 24.]

(Secret.)

SIR,

Downing Street, 6 December, 1912.

I HAVE the honour to request you to inform your Ministers that my attention has been called to the assurance given by your Premier in a letter to the Prime Minister of the Commonwealth of Australia of the 5th of September, 1912* (Commonwealth Parliamentary Paper, No. 47), that, if both the excise and bounty in respect of the sugar industry were abolished, the Queensland Government would undertake to introduce legislation prohibiting Asiatic aliens from engaging or working in the industry and compensating such aliens as might be *bond fide* owners or leaseholders of land now under sugar cane.

2. I gather from the debates of the Commonwealth Parliament that the Commonwealth Government have not this session proposed to carry into effect the abolition of the excise and bounty on sugar, and I therefore assume that your Government have not, in this year, introduced the legislation in question.

3. I desire, however, that if it becomes necessary for your Ministers to initiate legislation for this purpose they will take into their consideration the objections to legislation affecting Asiatic aliens *nominatim* which are set forth in the 4th and 5th paragraphs of Mr. Chamberlain's despatch, No. 28, of the 14th of May, 1901, and in his Secret despatch of the same date.†

4. I observe that in the Sugar Works Act of 1911 (Act No. 8 of 1911) no discrimination *nominatim* against Asiatics, whether British subjects or alien, has been inserted, but that a language test has been adopted (Section 9) as the mode of securing the end aimed at.

I have, &c.,

L. HARCOURT.

37390

No. 23.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret (2).)

MY LORD,

Downing Street, 6 December, 1912.

WITH reference to Mr. Chamberlain's despatch, Secret, of the 14th of May, 1901,‡ and to Lord Hopetoun's despatch, Secret, of the 6th of July, 1901,§ I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch|| which I have addressed to the Governor of Queensland on the subject of legislation affecting Asiatic aliens *nominatim*.

I have, &c.,

L. HARCOURT.

5477

No. 24.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 15 February, 1913.)

[Copies to Foreign Office and India Office, 10 March, 1913. L.F.]

(Secret.)

SIR,

Government House, Brisbane, 10th January, 1913.

WITH reference to your secret despatch of the 6th ultimo,|| regarding the undertaking given by the Premier of Queensland to introduce legislation prohibiting

* Not reprinted: see 37390, not printed.
‡ No. 153 in Dominions No. 3.

† Nos. 151 and 152 in Dominions No. 3.
§ 28175: not printed. | No. 22.

Asiatic aliens from engaging or working in the sugar industry, if both the excise and bounty in respect of that industry were abolished, I have the honour to enclose herewith copy of a letter that I have received from my Premier on the subject, in which it is promised that your views on this matter will receive due attention when such legislation is introduced.

I have not sent a copy of this despatch to His Excellency the Governor-General.

I have, &c.,

WM. MACGREGOR,

Governor.

Enclosure in No. 24.

CHIEF SECRETARY, Queensland.

SIR,

Brisbane, 9th January, 1913.

ADVERTING to a despatch, dated 6th ultimo, which Your Excellency has received from the Secretary of State for the Colonies, relative to the intention, expressed in my letter of the 5th September last to the Commonwealth Prime Minister, to introduce legislation in the Queensland Parliament prohibiting Asiatic aliens from engaging in the sugar industry, I have the honour to inform Your Excellency that, when such legislation is introduced, consideration will be given to Mr. Harcourt's views on the matter.

I have, &c.,

D. DENHAM.

His Excellency

The Governor,

Brisbane.

1914

No. 25.

WESTERN AUSTRALIA.

COLONIAL OFFICE TO FOREIGN OFFICE

[Answered by No. 26.]

SIR,

Downing Street, 15 February, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of an Act of the Parliament of Western Australia, entitled "An Act to Amend and Consolidate the Statutes relating to the regulation of the Pearl Shell Fisheries and to dealing in Pearls, and for other relative purposes.

2. I am to invite special attention to Section 11 of the Act, which forbids the grant to an alien of any but a diver's licence or pearl dealer's licence. It appears to Mr. Harcourt that, in view of the fact that the Act provides for the regulation of a fishery, the section in question is not, on the principle laid down in the correspondence* noted in the margin with regard to the right of German subjects to engage in the pearl, &c., fisheries of Papua, open to objection as being contrary to the rights secured to Italian subjects and other foreign subjects and citizens under treaties applicable to Western Australia. It will be seen that aliens may receive dealer's licences, and that, therefore, it cannot be held that they are debarred from carrying on trade, though they are prevented from taking part in the fishery.

3. Mr. Harcourt proposes, therefore, unless Secretary Sir Edward Grey sees any objection, to inform the Governor that His Majesty will not be advised to exercise his power of disallowance with regard to the Act.

4. I am to add that, as originally introduced, the Bill contained provisions imposing disabilities on all Asiatics by name, and, therefore, on His Majesty's British

Foreign Office to Colonial Office, 17 July, 1912.
Colonial Office to Foreign Office, 9 August, 1912.
Colonial Office to Foreign Office, 17 September, 1912.
Colonial Office to Foreign Office, 1 November, 1912.
Foreign Office to Colonial Office, 19 November, 1912.
Colonial Office to Foreign Office, 27 November, 1912.
Foreign Office to Colonial Office, 10 December, 1912.

* Nos. 22449, 22449, 22449, 31935, 36503, 36503, and 39255: not printed.

Indian subjects and Japanese, but that the Government of the State readily acted on Mr. Harcourt's representations as to the objections to such legislation. In these circumstances Mr. Harcourt will be glad to learn that in Sir E. Grey's opinion exception need not be taken to the provisions of the Act to which attention is called in this letter.

I am, &c.,
H. W. JUST.

6989

No. 26.
WESTERN AUSTRALIA.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 28 February, 1913.)
[Answered by No. 27.]

SIR, Foreign Office, February 27, 1913.
I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter (1914/12.13) of the 15th instant* respecting the question whether any treaty rights of foreign Powers are affected by the provisions of the recent Act of Parliament of Western Australia relating to Pearl Fisheries. I am to refer you, in reply, to the letter from this Department of the 19th November,† respecting the somewhat similar question arising out of the Papua Pearl and Bêche de Mer Ordinance, 1911, and I am to state that Sir E. Grey proposes to await the views of the Commonwealth Government on that subject before expressing any opinion with regard to the Western Australian Act.

I am, &c.,
A. LAW.

6989

No. 27.
WESTERN AUSTRALIA.
COLONIAL OFFICE to FOREIGN OFFICE.
[Answered by No. 29.]

SIR, Downing Street, 4 March, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th ultimo,‡ respecting the Pearling Act of the Parliament of Western Australia.

2. Mr. Harcourt wishes to convey as soon as possible to the Government of Western Australia an expression of the cordial thanks of His Majesty's Government for their action in omitting the restrictions which it was originally intended to impose on Asiatics *nominatim* in this Act, and he will be somewhat embarrassed if he cannot at the same time announce that His Majesty will not be advised to exercise his power of disallowance with respect to the Act.

3. Mr. Harcourt gathers that Sir E. Grey does not at present hold that the Act conflicts with any treaties in force in Western Australia. If it should be thought fit to take a different view in the future, it would be necessary to examine the bearing of such treaties, not only on the Act now before His Majesty's Government, but also on any similar legislation enacted in other parts of the Empire where such treaties may be in force. Mr. Harcourt would prefer that, if the objection raised by the German Government to the legislation of Papua should eventually require the further consideration of legislation of other parts of the Empire, the matter should be dealt with in its general relations rather than in special relation to the Western Australian Act. As Sir E. Grey is aware, the Australian States have shown themselves very ready on more than one recent occasion to safeguard the treaty rights of aliens affected by their legislative measures, and Mr. Harcourt has no reason to doubt that the Government of Western Australia will be equally ready to adjust the Pearling Act to His Majesty's treaty obligations, if it should be decided in the future that such adjustment is necessary. In these circumstances,

* No. 25.

† 36523: not printed.

‡ No. 26.

the Act being already in operation, it would not appear that there is any material advantage in postponing the notification of non-disallowance. Mr. Harcourt trusts, therefore, that Sir E. Grey will agree to his informing the Governor that the Act will not be disallowed.

I am, &c.,
H. W. JUST.

5477

No. 28.
AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(Secret.)

MY LORD, Downing Street, 7 March, 1913.
WITH reference to my despatch, Secret 2, of the 6th December last,* I have the honour to transmit to your Excellency, for the information of your Ministers, a copy of a despatch† from the Governor of Queensland on the subject of legislation affecting Asiatic aliens *nominatim*.

I am, &c.,
H. W. JUST.

8325

No. 29.
WESTERN AUSTRALIA.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 11 March, 1913.)

SIR, Foreign Office, March 10, 1913.
IN reply to your letter (6989/1913), of the 4th instant,‡ regarding the Pearling Act recently passed by the Parliament of Western Australia, I am directed by Secretary Sir E. Grey to inform you that, in consideration of the special circumstances as stated in your letter, he has no objection to offer to Mr. Harcourt's proposal that the Government of Western Australia should be informed forthwith that the Act will not be disallowed by His Majesty.

I am, &c.,
A. LAW.

5477

No. 30.
QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.
(Secret.)

SIR, Downing Street, 10 March, 1913.
I AM directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey], [the Marquess of Crewe], a copy of a despatch§ to the Governor of Queensland calling attention, in connection with certain proposed legislation affecting the sugar industry, to the objections to legislation discriminating against Asiatics *nominatim*.

2. A copy of the Commonwealth Parliamentary Paper, No. 47,|| referred to in the despatch is also enclosed, together with a copy of the reply† which has been received from the Governor of Queensland.

I am, &c.,
H. W. JUST.

* No. 23. † No. 24. ‡ No. 27. § No. 22. || Not reprinted: see 37390, not printed.

8325

No. 31.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 39.)

SIR,

Downing Street, 19 March, 1913.

WITH reference to Sir G. Strickland's despatch, No. 96, of the 21st December last,* I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to Act No. 45 of 1912 of the Parliament of Western Australia, entitled "An Act to amend and consolidate the Statutes relating to the regulation of the Pearl Shell Fisheries and to dealing in Pearls, and for other relative purposes."

2. I shall be glad if you will express to your Ministers the cordial thanks of His Majesty's Government for their action in securing the omission of the restrictions which it was originally intended to impose on Asiatics *nominatim* in this Act.

3. I should be glad to learn on what date the Act was proclaimed as provided in Section I.

I have, &c.,

L. HARCOURT.

20698

No. 32.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 6.8 p.m., 17th June, 1913.)

TELEGRAM.

Opened Session of Parliament to-day. Most important clauses of speech are as follows:—

"Commonwealth Parliament passed acts repealing Sugar, Excise and Bounty Acts, about fortnight after this Parliament had been prorogued, but these measures do not come into operation except by means of proclamation by Governor-General of Australia. As it is obvious that it will be undesirable to give tariff protection to sugar other than that grown and manufactured by white men, bill will be introduced immediately to make sugar-growing and manufacture in Queensland white labour industry. My Ministers are of opinion that abolition of excise duties on sugar would be of much benefit to the growers of sugar cane. To secure for them full advantages, Abolition Bill will be introduced to provide that they would receive direct equal amount with present excise without any deduction being made in respect of liens on crops or of any other encumbrances."

Will telegraph as soon as possible text of clause to confine sugar-growing to white men.—MACGREGOR.

21589

No. 33.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11.28 a.m., 24th June, 1913.)

TELEGRAM.

[Answered by No. 37.]

My telegram 17th June.† Details of Bill on sugar question as follows:—

1st Clause:—Queensland Act will come into force at the same time Sugar Bounty Abolition Act of Commonwealth Parliament, 1912.

* 1914: not printed.

† No. 32.

2nd Clause:—Expression "certificate of passing in language test" means certificate signed by State Officer authorised by Minister of Agriculture for this purpose that when Officer has read to the person concerned not less than fifty words in what language Minister of Agriculture may direct such person has written them in that language in the presence of officer. Occupier includes all owners in fee simple or for any less estate.

3rd Clause:—It shall be unlawful any person who has not obtained in a proper manner certificate of passing in language test to engage in or carry on cultivation sugar-cane on land in Queensland of which, whether individually or in partnership or association with others, he is occupier.

4th Clause:—Any person who employs in this industry any one who has not obtained certificate of passing in language test renders himself liable to penalty. Employee also renders himself liable.

5th Clause:—Present occupant who fails to pass in language test may be compensated.

7th Clause:—Regulations may be made granting certificates and for exemption of persons or classes of persons from operation of Act and for relief of any who have already planted.—MACGREGOR.

21589

No. 34.

QUEENSLAND.

COLONIAL OFFICE TO FOREIGN OFFICE AND INDIA OFFICE.

[Answered by No. 36.]

SIR,

Downing Street, 2 July, 1913.

WITH reference to the letter from this Office of the 10th of March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir Edward Grey] [the Marquess of Crewe], copies of two telegrams† from the Governor of Queensland on the subject of a Bill which is to be introduced into the Legislature of that State to make sugar-growing and manufacture in Queensland a white labour industry.

2. Mr. Harcourt would be glad to be favoured with the observations of [Sir E. Grey] [the Marquess of Crewe] on the subject.

3. A similar letter has been addressed to the [India Office] [Foreign Office].

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

24328

No. 35.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 5.15 p.m., 12th July, 1913.)

TELEGRAM.

[Answered by No. 37.]

(Paraphrase.)

The Bill regarding the sugar industry referred to in my telegram of the 24th June‡ has passed the Assembly and has been read a second time in Council. In the Assembly my Premier stated that the object of the Bill was "to absolutely exclude coloured labour from employment in sugar in field and mill"

Japanese and others when turned out of the sugar industry may be compensated. Exemption from the Act could temporarily be given by regulation. The exclusion is based on a dictation test of writing correctly fifty words in such language as the Secretary of Agriculture may direct. There is no reference to colour or nationality in the Bill, and any person or classes of persons can be exempted from the operation of the Act. I should be glad to have instructions, but I do not see any good reason for refusing the Royal Assent.—MACGREGOR.

* No. 30.

† Nos. 32 and 33.

‡ No. 33.

24369

No. 36.

QUEENSLAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 15, 1913.)

[Answered by No. 39.]

Sir, Foreign Office, July 14th, 1913.
I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 2nd instant,* enclosing a copy of a telegram from the Governor of Queensland with regard to the Queensland Bill for limiting the sugar industry to white labour.

Before expressing a definite opinion on the subject, Sir E. Grey would be glad to be furnished with further information upon the following points:—

- (1) The retrospective effect of the Act, which is apparently to apply to persons already engaged in the sugar industry.
- (2) As to the compensation to be granted to present occupants under Clause 5, and
- (3) As to the regulations which may be made under Clause 7 granting relief to persons who have already planted sugar.

I am, &c.,
W. LANGLEY.

24369

No. 37.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 1.45 p.m., 17th July, 1913.)

TELEGRAM.

[Answered by No. 40.]

Your telegrams 24th June and 12th July,† Sugar Bill. Secretary of State for Foreign Affairs would be glad to receive information as to, first, the extent of retrospective effect of Act, which, I understand, applies to persons already engaged in industry; second, the amount and conditions of compensation to be granted; third, regulations which may be made under clause 7 granting relief to persons who have already planted. Please telegraph reply.—HARCOURT.

24369

No. 38.

QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE.

Sir, Downing Street, 17 July, 1913.
With reference to the letter from this office of the 2nd July,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of further correspondence† on the subject of the Queensland Bill to exclude coloured labour from employment in the sugar industry.

I am, &c.,
H. W. JUST.

* No. 34.

† Nos. 33 and 35.

‡ Nos. 35, 36, and 37.

24369

No. 39.

QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, 17 July, 1913.

Sir, In reply to your letter of the 14th July,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copy of telegraphic correspondence† with the Governor of Queensland, with regard to the Bill to exclude coloured labour from employment in the sugar industry.

2. I am to add that it appears from Press reports that the Bill has been read a third time in the Legislative Council.

I am, &c.,
H. W. JUST.

24764

No. 40.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.15 a.m., 18th July, 1913.)

TELEGRAM.

[Answered by No. 43.]

Your telegram of 17th July.‡ In reply, the following from Ministers:—

"First, measure is retrospective as to persons already engaged in industry; second, amount of compensation is to be assessed by independent tribunal, namely, Land Court, basis of compensation being the diminution in value of land to the prohibited cane-grower; third, regulations will authorise granting of exemption any person or class of persons."

My Ministers add following:—

"Additional safeguard is provided by fact that no prosecution for breach of the Act can be instituted without consent of Attorney-General."

Matter most urgent as action of Commonwealth Government in respect of Commonwealth Act No. 26 of 1912, will be delayed till this Bill is assented to.—MACGREGOR.

24764

No. 41.

QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE.

Downing Street, 18 July, 1913.

Sir, With reference to the letter from this Office of the 17th instant,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a telegram|| from the Governor of Queensland, on the subject of the Queensland Bill excluding coloured labour from employment in the sugar industry.

2. I am also to enclose copy of the letter¶ which is being addressed to the Foreign Office on the subject.

I am, &c.,
H. W. JUST.

24764

No. 42.

QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 46.]

Downing Street, 18 July, 1913.

Sir, With reference to the letter from this Office of the 17th instant,** I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of

* No. 36.

† No. 40.

‡ Nos. 35 and 37.

§ No. 42.

|| No. 37.

¶ No. 39.

** No. 38.

Sir Edward Grey, the accompanying copy of a telegram* from the Governor of Queensland on the subject of the Bill to exclude coloured labour from employment in the sugar industry.

2. The provision in the Bill authorising the grant by regulations of exemption to any person or class of persons has presumably been inserted to meet those cases in which aliens have treaty rights in Queensland. Sir E. Grey will, of course, understand that the arrangements with the Government of the Commonwealth to which reference is made in this telegram absolutely preclude the Queensland Government from granting exemption from the effect of the law to any coloured owners or labourers.

3. Mr. Harcourt will be glad to receive Sir E. Grey's observations on the subject with the least possible delay.

I am, &c.,
H. W. JUST.

24764

No. 43.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 6.15 p.m., 22nd July, 1913.)

TELEGRAM.

[Answered by No. 44.]

Your telegram 18th July.* Please telegraph extent of coloured labour engaged in industry; numbers of Kanakas, Japanese, British Indians.—HARCOURT.

25496

No. 44.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.22 a.m., 23rd July, 1913.)

TELEGRAM.

[Answered by Nos. 45 and 49.]

Your telegram 22nd July.† Premier cannot give numbers asked for, but informs me that Commonwealth Royal Commission reports that coloured person labour produces only six per cent. of sugar made in Queensland. Premier states that both Commonwealth and State Governments determined to make Queensland sugar exclusively white men industry, and already differentiate by giving bounty on white persons only.—MACGREGOR.

25496

No. 45.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.10 p.m., 23 July, 1913.)

TELEGRAM.

[Answered by No. 47.]

Your telegram 23rd July.‡ I presume you are merely delaying assent pending instructions, and that you have not reserved Bill. Reply by telegraph.—HARCOURT.

* No. 40.

† No. 43.

‡ No. 44.

25545

No. 46.

QUEENSLAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 July, 1913.)

Foreign Office, July 23, 1913.

SIR,

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 18th instant,* containing further information as to the Queensland Bill to limit the sugar industry to white labour.

Sir E. Grey is not disposed to raise any objection to the Royal Assent being given to this Bill; he desires, however, to express the hope that Mr. Harcourt will, should he see no objection, impress upon the Queensland Government the advisability of interpreting the clauses regulating compensation and exemption in a generous spirit when dealing with present occupiers.

I am, &c.,
W. LANGLEY.

25590

No. 47.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 24th July, 1913.)

TELEGRAM.

Your telegram 23rd July.† Am delaying assent pending (further) instructions from you. Bill not reserved, but held to be very urgent.—MACGREGOR.

25496

No. 48.

QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

Downing Street, 24 July, 1913.

SIR,

WITH reference to the letter from this Office of the 18th of July,‡ I am directed by Mr. Secretary Harcourt to transmit to you copy of telegraphic correspondence§ with the Governor of Queensland with regard to the Bill of the Queensland Parliament to exclude coloured labour in the sugar industry.

2. Mr. Harcourt has ascertained from the Queensland Government through the Agent-General that comparatively few Japanese and British Indians are employed in the sugar industry, and that it is intended that the administration of the Act shall be tactful and considerate.

3. As the proposed measure merely carries into force a policy which has long been under consideration by the Commonwealth Government and the Government of the State, it is, in Mr. Harcourt's opinion, impossible to withhold His Majesty's assent from the Bill, and he proposes, therefore, with the concurrence of [Secretary Sir Edward Grey][the Marquess of Crewe] to address the telegram|| of which a draft is enclosed to the Governor authorising him to assent to the Bill.

4. I am to ask for a very early reply to this letter.

5. A similar letter has been addressed to the [India Office][Foreign Office].

I am, &c.,
JOHN ANDERSON.

25496

No. 49.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.15 p.m., 24 July, 1913.)

TELEGRAM.

Your telegram 23rd July.§ You may assent to Bill.

Confidential. In informing your Ministers that you have been authorized by His Majesty's Government to assent to the Bill, you should state that the authority

* No. 42.

† No. 45.

‡ Nos. [42] [41].

§ Nos. 43 and 44.

|| See No. 49.

¶ No. 44.

has been given in the confident expectation that your Government will show every consideration in administering the Bill as it affects the interests of British Indians and Japanese.—HARCOURT.

25971

No. 50.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 28 July, 1913.)

[Copy to India Office and Foreign Office, 14 August, 1913. L.F.]

(No. 36.)

SIR, Government House, Brisbane, 23 June, 1913.
SINCE closing the mail-bag to-day, I have received, and now forward, for your information, an advance copy of the "Sugar Cultivation Bill" which is to be introduced in the present session of the Parliament of this State.

I have, &c.,

WM. MACGREGOR,
Governor.

Enclosure in No. 50.

ANALYSIS OF CONTENTS.

1. Short title and commencement of Act.
2. Interpretation.
3. Certain persons prohibited from growing sugar-cane.
4. Certain persons not to be employed in sugar industry.
5. Compensation.
6. Application of Land Act, Part II.
7. Regulations.
8. Offences, how tried.
9. Appropriation.

1913.

A BILL TO PROHIBIT THE EMPLOYMENT OF CERTAIN FORMS OF LABOUR IN THE PRODUCTION OF SUGAR, AND FOR OTHER INCIDENTAL PURPOSES.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement of Act.

1. This Act may be cited as "*The Sugar Cultivation Act of 1913*," and shall commence and take effect on and after the date of the commencement of the Act of the Parliament of the Commonwealth, intituled the *Sugar Bounty Abolition Act*, 1912.

Interpretation.

2. In this Act—

The expression "Certificate of having passed the dictation test" means a certificate under the hand of a State officer, authorised for that purpose by the Secretary for Agriculture, that, when the said officer has dictated to the person concerned not less than fifty words in such language as the Secretary for Agriculture may direct, such person has written them out in that language in the presence of the said officer;

The expression "Occupier" includes owner in fee-simple or for any less estate, and lessee for life or for any term of years or at will, and whether on the share system or otherwise, and any occupier under any form of tenancy or agreement whatever, whether express or implied, with the owner of the land;

The expressions "Employer" and "Employee" have the same meanings as are respectively assigned to them by "*The Industrial Peace Act of 1912*."

3. After the passing of this Act, it shall be unlawful for any person who has not first obtained in the prescribed manner a certificate of having passed the dictation test to engage in or carry on the cultivation of sugar-cane upon any land within Queensland of which such person, whether individually or in partnership or association with others, is the occupier.

Certain persons prohibited from growing sugar-cane.

Any such person who acts in contravention of this section shall be liable to a penalty not exceeding one hundred pounds, and the crop of sugar-cane so being cultivated shall be liable to be forfeited to His Majesty by order of the Court before which the offence is proved.

4. After the passing of this Act—

Certain persons not to be employed in sugar industry.

- (i.) Any employer who, either directly or indirectly or under any pretence or device, attempts to employ, or employs or authorises or permits to be employed, in the industry of the cultivation of sugar-cane and the manufacture therefrom of sugar, any person who has not first obtained a certificate of having passed the dictation test;
- (ii.) Any person who has not first obtained a certificate of having passed the dictation test who is employed in such industry;

shall be guilty of an offence, and shall be liable to the penalties following:—

- (a) In the case of an individual employer, to a penalty not exceeding five pounds for each day on which such employee is employed in contravention of this provision;
- (b) In the case of an employer which is a partnership, firm or corporation, to a penalty not exceeding ten pounds for each day on which such employee is employed in contravention of this provision;
- (c) In the case of an employee, to a penalty not exceeding forty shillings for each day on which he is employed in contravention of this provision.

5. Any person who, at the passing of this Act, is the occupier of the land which is planted with sugar-cane or has been prepared for such planting, or has at any time within three years prior to the passing of this Act been so planted, and who within six months after the passing of this Act has attempted but failed to obtain a certificate of having passed the dictation test, may apply to the Land Court for compensation to be fixed by reason of the diminution in value of the land to him caused by the passing of this Act, and the Land Court shall assess and fix such diminution in value accordingly. In any such proceeding the claim shall be made against the Secretary for Agriculture as representing His Majesty.

Compensation.

The Secretary for Agriculture shall pay to the claimant the amount of compensation so assessed and fixed by the Land Court.

6. For the purposes of this Act, the provisions of Part II. of "*The Land Act of 1910*," so far as the same are applicable, shall apply and be observed.

Application of Land Act, Part II.

7. The Governor in Council may from time to time, for the purposes of this Act, make regulations for the examination and granting to persons certificates of having passed the dictation test, for the exemption from the operation of this Act of any person or classes of persons whom for any reason it is not considered necessary to examine, for the relief from the operation of this Act, wholly or in part, of persons who are owners of crops of sugar-cane actually planted but not harvested at the passing of this Act, and for facilitating and authenticating the observance of the provisions of this Act.

Regulations.

All such regulations shall, upon publication in the *Gazette*, have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever.

All such regulations shall be laid before both Houses of Parliament within forty days after such publication if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

8. All proceedings for offences against this Act may be had, taken, and determined in a summary way:

Offences, how tried.

Provided that no proceedings for any offence against this Act shall be instituted except by the direction of the Attorney-General, Solicitor-General, or Minister of Justice.

9. The expenses of carrying this Act into effect shall be defrayed out of moneys to be from time to time appropriated by Parliament for the purpose.

Appropriation.

25590

26

No. 51.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 1 August, 1913.

WITH reference to my despatch, Secret, of the 7th of March last,* I have the honour to transmit to your Excellency, for the information of your Ministers, the accompanying copy of correspondence with the Governor of Queensland regarding the Bill to exclude coloured labour from the sugar industry in Queensland.

I have, &c.,

L. HARCOURT.

33023

No. 52.

QUEENSLAND.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO JURIES.

(Received 22 September, 1913.)

Section 6: Except as hereinafter otherwise provided, every man between the ages of twenty-five years and sixty-five years who is of good fame and character, and who resides within Queensland (not being an aboriginal native of Australia, China, or the South Sea Islands), is qualified and liable to serve as a juror for any trial within the jury district in which he resides.

32079

No. 53.

QUEENSLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Copy to India Office and Foreign Office, 25th October, 1913. L.F.]

(No. 116.)

SIR,

Downing Street, 23 October, 1913.

WITH reference to your despatch, No. 53, of the 5th August,† I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to Act No. 4 of 1913 of the Parliament of Queensland, entitled "An Act to Prohibit the Employment of certain Forms of Labour in the Production of Sugar, and for other incidental purposes."

2. I shall be glad if, in communicating this intimation to your Ministers, you will inform them that the attitude of His Majesty's Government towards the Act has been prompted by a confident feeling that Ministers agree with them as to the strong advisability of administering the provisions of the Act in a generous spirit so far as they affect present occupiers.

I have, &c.,

L. HARCOURT.

37253

No. 54.

NEW ZEALAND.

COLONIAL OFFICE TO INDIA OFFICE.

[Answered by No. 55.]

SIR,

Downing Street, 3 November, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before

* No. 28.

† Nos. 32, 33, 35, 37, 40, 43, 44, and 45.

‡ 32079: not printed.

27

the Earl of Crewe, the accompanying copy of the Parliamentary Debates* of New Zealand, and to call attention to page 553, from which it will be seen that the Prime Minister announced in the House of Representatives on the 10th of September that it is intended to restrict, as far as possible, by a new immigration restriction measure the immigration of Hindoo coolies to New Zealand.

2. Mr. Harcourt learns from a private letter received from Lord Emmott that the question was mentioned to him during his visit to New Zealand, and that difficulty has arisen through the immigration of certain coolies from Fiji into the Dominion.

3. Mr. Harcourt presumes that it is very undesirable that legislation discriminating against British Indians should be introduced at the present moment, and he proposes, with the concurrence of the Earl of Crewe, to telegraph to the Governor of New Zealand in the terms of the accompanying draft.†

I am, &c.,

H. W. JUST.

38659

No. 55.

NEW ZEALAND.

INDIA OFFICE TO COLONIAL OFFICE.

(Received 8 November, 1913.)

[Answered by L.F. transmitting copies of Nos. 56 and 58.]

India Office, Whitehall, London, S.W.,

8th November, 1913.

SIR,

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Sir H. Just's letter of the 3rd instant, No. 37253,‡ regarding a measure which the Government of New Zealand propose to introduce in restriction of Indian immigration.

In reply, I am to say that the presumption made in the final paragraph of the letter is entirely correct, and that the Marquess of Crewe has learnt with much regret the intention of the New Zealand Government. Mr. Harcourt is well aware of the views of the Marquess of Crewe on the principle of such legislation, and I am to offer no observations on the terms of the draft telegram.

I have, &c.,

T. W. HOLDERNESS.

37253

No. 56.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 12.15 p.m., 11 November, 1913.)

TELEGRAM.

[Copy to India Office, 15 November, 1913. L.F.]

[Answered by Nos. 57 and 64.]

I observe from page 553 of Debates that it is proposed further to restrict immigration of Hindoo coolies to New Zealand. I am confident your Ministers will bear in mind the strong objections of His Majesty's Government to any discrimination *nominatim* against British Indians or other Oriental persons. If it is not possible to make effective policy of Government by administrative regulations under existing legislation, your Ministers will, no doubt, consider whether it is not desirable to adopt the wording of present Australian Immigration Restriction Act, under which, as they are aware, Hindoos are effectively excluded from Australia.

Confidential. Feeling in India at present is very strong with regard to question of immigration to South Africa, and I hope your Ministers will not add to difficulties of His Majesty's Government, already serious, by any legislation directly aimed at Indians.—HARCOURT.

* Not reprinted.

† See No. 56.

‡ No. 54.

No. 57.

QUEENSLAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 15 November, 1913.)

[Answered by No. 62.]

(Confidential.)

India Office, Whitehall, London, S.W.,

14th November, 1913.

SIR, WITH reference to the correspondence ending with your letter of the 25th October, No. 36176,* on the subject of the Queensland Sugar Cultivation Act, 1913, I am directed by the Secretary of State for India in Council to forward herewith, for the information of Mr. Secretary Harcourt, copy of a letter from the Government of India in which they place on record their objections to the measure.

His Lordship would be obliged if a copy of the regulations which it is proposed to issue to determine the scale of compensation to be paid to persons at present engaged in the sugar industry who will be ousted by the provisions of the Act could be furnished for transmission to the Government of India.

I have, &c.,

T. W. HOLDERNESS.

Enclosure in No. 57.

No. 65 of 1913.

GOVERNMENT OF INDIA: DEPARTMENT OF COMMERCE AND INDUSTRY: EMIGRATION.

(Confidential.)

MY LORD MARQUESS,

Simla, the 2nd October, 1913.

WE have the honour to refer to Your Lordship's Public despatch, No. 214, dated the 15th August, 1913, forwarding for our information a copy of certain papers regarding legislation in Queensland to regulate employment in the sugar industry. We have since received also Mr. Seton's letter No. J. & P. 3092, dated the 29th August, 1913, intimating that the proposed Bill has been introduced into the Queensland Parliament.

2. The avowed object of the Bill is to exclude coloured persons from participation in the sugar industry of the Colony, and it is represented that this exclusion is a necessary preliminary to the abolition by the Commonwealth Parliament of the excise and bounty upon the sugar industry. We note with satisfaction that the Bill does not contain any express discrimination against Asiatics, their exclusion from the industry being effected by means of a dictation test, and we are glad of the assurance that the law will be administered with tact and consideration. We cannot, however, admit that the exclusion of Asiatics from the benefits of a tariff which it is proposed to impose in favour of an industry in which they are at present engaged is so pressing a necessity as to justify legislation the effect of which will be to curtail existing rights of Asiatics as compared with those of white persons. It is true that the number of Indians affected is probably very small, but that appears to us rather to lessen the necessity for the measure than to justify its enactment. It is also true that an undertaking has been given to compensate those at present engaged in the industry who will be ousted by the new measure, but we have at present no guarantee that the proposed compensation will be a protection against actual material loss.

3. The Colonial Government have power completely to exclude Asiatic immigration, which we believe to be now on a very small scale, if indeed it continues at all, and it seems probable that the existing Indian community in Queensland will gradually decrease in numbers if not supplemented by fresh arrivals from their native country. In these circumstances it seems hardly necessary to introduce a measure retrospectively affecting the established interests of a few Indians for the sake of excluding them from the benefits of a tariff which is designed to improve the position of the industry in which they are engaged.

* L.F. transmitting copy of No. 53.

4. We have considered it desirable to place upon record our objections to the proposed legislation, though we recognize the difficulty of giving practical effect to our protests at this stage. Apart from any other action which Your Lordship may think proper to take upon our representations, we would request that we may be furnished with a copy of the regulations which it is proposed to issue to determine the scale of compensation to be paid to persons at present engaged in the sugar industry who will be ousted by the provisions of the new Act.

We have, &c.,

HARDINGE OF PENSHURST.
O'MOORE CREAGH.
HARCOURT BUTLER.
SAIYID ALI IMAM.
W. H. CLARK.
R. H. CRADDOCK.
W. S. MEYER.

To the Most Honourable

The Marquess of Crewe, K.G.,

His Majesty's Secretary of State for India.

39886

No. 58.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 19th November, 1913.)

TELEGRAM.

[Copy to India Office, 22 November, 1913. L.F.]

[Answered by No. 59.]

Confidential. Your telegram 11th November.* With regard to Hindoo coolie immigration, am desired by Prime Minister to state that, in view of opinion expressed by His Majesty's Government, legislation proposed will not be proceeded with this year. Despatch† follows by mail.—LIVERPOOL.

39886

No. 59.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to India Office, 22 November, 1913. L.F.]

(Confidential.)

MY LORD,

Downing Street, 21 November, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 19th November,‡ and to request that you will be good enough to express to your Ministers the appreciation of His Majesty's Government of their decision not to proceed this year with the proposed legislation for the further restriction of the immigration of Hindoo coolies into New Zealand.

I am, &c.,

L. HARCOURT.

39346

No. 60.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 11410 in Dominions No. 55.]

(No. 129.)

Downing Street, 21 November, 1913.

SIR,

WITH reference to my despatch, No. 116, of the 23rd ultimo,§ respecting "The Sugar Cultivation Act of 1913" of the Parliament of Queensland, I have the honour to request you to inform your Ministers that the Government of India are

* No. 56.

† No. 64.

‡ No. 58.

§ No. 53.

desirous of being furnished with copies of any regulations which may be issued to relieve from the operation of the Act persons who are owners of crops of sugar cane actually planted but not harvested at the passing of the Act. The Government of India would also be glad to receive any details which may from time to time be available of compensation awarded to British Indian subjects under the provisions of Section 5 of the Act.

I have, &c.,
L. HARCOURT.

39346

No. 61.
AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(No. 711.)

My LORD, Downing Street, 21 November, 1913.
With reference to my despatch, No. 649, of the 24th ultimo,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch† to the Governor of Queensland on the subject of "The Sugar Cultivation Act of 1913" of the Parliament of that State.

I have, &c.,
L. HARCOURT.

39346

No. 62.
QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE and FOREIGN OFFICE.

Sir, Downing Street, 24 November, 1913.
With reference to [your letter of the 14th instant‡], [the letter from this Department of the 25th ultimo§], I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [the Marquess of Crewe] [Secretary Sir Edward Grey] a copy of a despatch¶ which has been addressed to the Governor of Queensland on the subject of the Sugar Cultivation Act of 1913 of the Parliament of that State.

2. I am to explain that, as will be observed from the terms of the Act as actually passed (Sections 5 and 7), compensation will normally be decided by the Land Court, and will not be regulated by executive order.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

39346

No. 63.
QUEENSLAND.
COLONIAL OFFICE to INDIA OFFICE.
[Answered by 1936: not printed.]

Sir, Downing Street, 23 December, 1913.
With reference to the letter from this Office of the 24th November, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copy of Regulations under the Sugar Cultivation Act, 1913, of Queensland. Further copies will be sent to you in due course.

2. At the same time I am to enquire whether Lord Crewe would see any objection to the Confidential despatch from the Government of India of the 2nd October last, a copy of which was enclosed in your letter of the 14th November,‡ being communicated to the Governor of Queensland and the Governor-General of the Commonwealth of Australia for the confidential information of their Ministers.

I am, &c.,
H. W. JUST.

* Transmittal copy of No. 53.

† L.F. transmittal copy of No. 53.

‡ No. 60.

§ 62.

¶ No. 57.

42465

Enclosure in No. 63.

QUEENSLAND.

REGULATIONS, DATED 16TH OCTOBER, 1913, UNDER "THE SUGAR CULTIVATION ACT OF 1913."

Presented to both Houses of Parliament by Command.

Department of Agriculture and Stock,
Brisbane, 16th October, 1913.

His Excellency the Governor, by and with the advice of the Executive Council, has been pleased to make the following Regulations under and for the purposes of "The Sugar Cultivation Act of 1913."

JOHN WHITE.

Commencement of Regulations.

1. These Regulations shall be deemed to have commenced and to have taken effect on and from the date of the commencement of "The Sugar Cultivation Act of 1913," hereinafter referred to as "the Act."

Relief of persons who have planted cane.

2. Where any crop of sugar-cane is at the commencement of the Act growing upon any land under such circumstances that if such crop had been planted after the commencement thereof an offence under the Act would have been committed, the owner of such crop may apply to the Secretary for Agriculture for a certificate of authority to cultivate such crop, and from time to time to harvest the same during any period not exceeding three years, which certificate the Secretary for Agriculture is hereby authorised to grant to such owner.

Every such certificate shall be for such period not exceeding three years and be subject to such conditions as the Secretary for Agriculture thinks proper and shall be in the following form:—

[Form A.]

"THE SUGAR CULTIVATION ACT OF 1913."

Certificate of authority to cultivate and harvest existing sugar crop.

This is to certify that it has been proven to me that _____, of _____, is the owner of a crop of sugar-cane growing upon the land hereinafter described, and that such crop had actually been planted before the commencement of the above-named Act, and accordingly he the said owner is hereby authorised to cultivate the said crop and from time to time to harvest the same during a period of [insert limit of time not exceeding three years] from the date hereof.

This certificate is subject to the following conditions [as for example that the said (owner's name) shall not either directly or indirectly employ or authorise or permit to be employed in or in connection with the cultivation or harvesting of the said crop any person who has not first obtained a certificate of having passed the dictation test, unless such person is exempted from the operations of the above-named Act and the Regulations thereunder, otherwise this certificate shall become null and void and the said (owner's name) shall be liable to the penalties provided in the said Act and Regulations for breach thereof].

Dated at _____ this _____ day of _____, 19 _____

Secretary for Agriculture.

Description of land.

- (1.) Locality:
- (2.) Portion:
- (3.) County:
- (4.) Parish:
- (5.) Area of land actually planted with cane:

Upon the grant of such certificate such owner shall not be guilty of an offence against the Act or these Regulations if he cultivates such crop and harvests the same pursuant to such certificate.

Restricted application of Act and Regulations.

3. Nothing in the Act or these Regulations shall apply to the following classes of persons, and all such persons shall be exempted from the operation thereof:—

- (1.) All native-born residents of Australia of European descent.
- (2.) All residents of Australia of European parentage.
- (3.) All residents of Australia who are descended from any resident of the Continent of North America other than from any aboriginal native thereof or Negro or aboriginal of African or Asiatic race.
- (4.) Subjects of the Kingdom of Italy who are not of European race so long as the Treaty between His Majesty the King and the Kingdom of Italy, dated the fifteenth day of June, 1883, remains in force in Queensland.
- (5.) Subjects of the Empire of Russia who are not of European race so long as the Treaty mentioned in the last preceding paragraph hereof and the Treaty between His Majesty the King and the Empire of Russia, dated the twelfth day of January, 1859, remain in force in Queensland.
- (6.) Citizens of the Republic of Colombia so long as the Treaty mentioned in the last preceding paragraph but one hereof and the Treaty between His Majesty the King and the Republic of Colombia, dated the sixteenth day of February, 1866, remain in force in Queensland.
- (7.) Any person not otherwise entitled to exemption under the foregoing provisions of this Regulation whom by reason of—
 - (a) the subsistence between the nation to which such person belongs and the United Kingdom of Great Britain and Ireland of a Treaty conferring most favoured nation rights, or
 - (b) such person's long residence within Queensland or the Commonwealth, or
 - (c) such person having a lawful wife or family residing within Queensland, or
 - (d) any other circumstances satisfactory to the Secretary for Agriculture—
 it is not considered necessary to examine under the Act and these Regulations, and to whom the Secretary for Agriculture has granted a certificate of exemption.

Application for such exemption.

4. Before such certificate of exemption mentioned in paragraph 7 of the last preceding Regulation is granted, the person concerned shall make application therefor to a Clerk of Petty Sessions in the following form:—

[Form B.]

"THE SUGAR CULTIVATION ACT OF 1913."

Application for Certificate of Exemption.

To the Clerk of Petty Sessions,
Petty Sessions District of

I hereby apply for a Certificate of Exemption from examination under the above-mentioned Act on the following grounds:—[State grounds on which exemption is applied for.]

I declare that the following particulars with respect to myself are true:—

- (1.) Name in full:
- (2.) Country of origin:
- (3.) Place of birth:
- (4.) Nationality:
- (5.) Age last birthday:
- (6.) Married or single:

- (7.) Date of arrival in Queensland:
- (8.) Date of arrival in Commonwealth:
- (9.) Previous place or places of residence in Commonwealth, if any:
- (10.) Present place of residence:
- (11.) Occupation:

Dated at this day of 19

(Signed)

Witness:

J.P.

Statutory declaration.

5. Every such application shall be accompanied by a statutory declaration as to the truth of the particulars set forth therein, and shall be attested by a Justice of the Peace who personally knows the applicant, and who, before attesting the same, shall by inquiry so far as he is able ascertain the truth thereof. The said Clerk of Petty Sessions shall transmit the said application to the Under-Secretary of the Department of Agriculture and Stock.

Certificates of exemption.

6. Every such certificate of exemption shall be in the following form:—

[Form C.]

"THE SUGAR CULTIVATION ACT OF 1913."

Certificate of Exemption.

I hereby certify that [name], particulars as to whom are hereunder set forth, is exempted from examination under the above-mentioned Act for the following reasons: [State grounds of exemption].

- (1.) Name in full:
- (2.) Country of origin:
- (3.) Place of birth:
- (4.) Nationality:
- (5.) Age last birthday:
- (6.) Married or single:
- (7.) Date of arrival in Queensland:
- (8.) Date of arrival in Commonwealth:
- (9.) Previous place or places of residence in Commonwealth, if any:
- (10.) Present place of residence:
- (11.) Occupation:

Dated at Brisbane this day of 19

Secretary for Agriculture.

Every such certificate shall be in duplicate, and shall be transmitted by the said Under-Secretary to the said Clerk of Petty Sessions, who shall cause the applicant to mark with his finger print in Indian ink every such certificate and duplicate thereof.

The said Clerk of Petty Sessions shall then deliver one copy to the successful applicant and return the other copy to the said Under-Secretary, who shall file such copy and record the same.

Persons to obtain certificates.

7. Every person (other than a person who is exempted from the operation of the Act and a person who is the holder of a certificate of exemption as hereinbefore provided) who desires to engage in or carry on the cultivation of sugar-cane upon land within Queensland of which such person, whether individually or in partnership or in association with others, is the occupier, or who desires to be an employee in or in connection with the industry of the cultivation of sugar-cane and the manufacture therefrom of sugar, shall make application in writing to a Clerk of Petty Sessions for examination and the grant of a certificate of having passed the dictation test.

Every such application shall be in the following form:—

[Form D.]

"THE SUGAR CULTIVATION ACT OF 1913."

Application for Examination and a Certificate.

To the Clerk of Petty Sessions,
Petty Sessions District of

I, the undersigned, being a person not otherwise exempted from the operation of the above-mentioned Act, and being desirous of engaging in or carrying on the cultivation of sugar-cane upon land within Queensland of which I am the occupier [or part occupier (as the case may be)] [or being desirous of becoming an employee in or in connection with the industry of the cultivation of sugar-cane and the manufacture therefrom of sugar] hereby apply to be examined by you for the purpose of obtaining a certificate of having passed the dictation test within the meaning of the above-mentioned Act in the language, such language being the language for the time being directed by the Secretary for Agriculture.

I hereby declare that the following particulars with respect to myself are true:—

- (1.) Name in full:
- (2.) Country of origin:
- (3.) Place of birth:
- (4.) Nationality:
- (5.) Age last birthday:
- (6.) Married or single:
- (7.) Date of arrival in Queensland:
- (8.) Date of arrival in Commonwealth:
- (9.) Previous place or places of residence in Commonwealth, if any:
- (10.) Present place of residence:
- (11.) Occupation:
- (12.) Locality and description of land to be cultivated [or Place at which applicant is to be employed]:

Dated at this day of , 19

(Signed)

Witness:

J.P.

Statutory declaration.

8. Every such application shall be accompanied by a statutory declaration as to the truth of the particulars set forth therein, and shall be attested by a Justice of the Peace who personally knows the applicant and who, before attesting the same, shall by inquiry so far as he is able ascertain the truth thereof.

Examination.

9. The Clerk of Petty Sessions shall be the State officer authorised by the Secretary for Agriculture to conduct all such examinations and grant all certificates of having passed the dictation test within the meaning of the said Act.

Upon receipt of an application the Clerk of Petty Sessions shall appoint a time and place for the examination and shall notify the applicant; and the applicant shall attend at the said time and place and be examined by the said Clerk of Petty Sessions accordingly.

The said examination shall be in the language for the time being directed by the Secretary for Agriculture.

The said Clerk of Petty Sessions shall ascertain whether the applicant is able to correctly write out in the said language in his presence not less than fifty words in such language at the oral dictation of the said Clerk of Petty Sessions. The words chosen for dictation and the number thereof shall be in the discretion of the said Clerk of Petty Sessions: provided that they shall be not less than fifty words and not more than one hundred and fifty words.

The said Clerk of Petty Sessions shall be the sole judge of the ability of the applicant to write from dictation as aforesaid. If he is satisfied as to such ability, he shall grant to the applicant a certificate of having passed the dictation test, but otherwise he shall refuse such certificate.

Certificate.

10. Every such certificate shall be in the following form:—

[Form E.]

"THE SUGAR CULTIVATION ACT OF 1913."

Certificate of having passed the dictation test.

Petty Sessions District of

19

I, the undersigned, Clerk of Petty Sessions for the above-named district, hereby certify that on the day of , 19 , pursuant to application No. , of , 19 , [name of person] was duly examined by me under and for the purposes of the above-mentioned Act, and when I dictated to him not less than fifty words in the language (such language being the language directed for the time being by the Secretary for Agriculture), he correctly wrote them out in that language in my presence.

Dated at this day of , 19

Clerk of Petty Sessions.

Record of certificate.

11. Every such certificate shall be in duplicate. The said Clerk of Petty Sessions shall cause the applicant to mark with his finger print in Indian ink every certificate and duplicate thereof. One copy shall then be delivered to the successful applicant and the other copy shall be transmitted by the Clerk of Petty Sessions to the Under-Secretary of the Department of Agriculture and Stock, Brisbane, who shall file and record the same.

Certificate to be produced.

12. Every person who has obtained a certificate of authority to cultivate to maturity and harvest an existing crop of sugar-cane or a certificate of having passed the dictation test or a certificate of exemption under these Regulations shall, on the demand of any member of the Police Force of a rank not inferior to that of Senior Constable, or of a Police Magistrate or Clerk of Petty Sessions, or person authorised in that behalf by the Secretary for Agriculture, produce to him the said certificate and permit him to take a copy thereof.

Penalty.

13. Any person who—

- (1.) In any application under these Regulations makes any statement which is to his knowledge false,
- (2.) Alters or in any way tampers with any certificate granted under these Regulations,
- (3.) Being the holder of such certificate lends to any other person or permits any other person to use the same,
- (4.) Being the holder of such certificate fails to produce the same upon demand to any person mentioned in the last preceding Regulation, unless he satisfies the Court that there was a reasonable excuse for the non-production thereof,
- (5.) Uses any such certificate which has been granted to another person shall be liable to a penalty not exceeding fifty pounds.

Judicial notice.

14. For the purposes of the Act and these Regulations judicial notice shall be taken of the signature of the Secretary for Agriculture and any Clerk of Petty Sessions.

44758

No. 64.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th December, 1913.)

(Confidential.)

SIR, Government House, Wellington, 19th November, 1913.
 WITH reference to your telegram of the 11th November,* regarding proposed legislation by my Government dealing with the immigration of Hindoo coolies, I have the honour to transmit to you the accompanying copy of the memorandum received from my Prime Minister on which my telegram of to-day's date† was based.

2. It will be observed that, in order to ascertain your views upon the Bill which was prepared for introduction, a copy of this Bill is attached, together with a copy of the principal Act,‡ which it is proposed to amend.

I have, &c.,

LIVERPOOL,

Governor.

Enclosure 1 in No. 64.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

(Confidential.)

Prime Minister's Office, Wellington, 17th November, 1913.

With reference to His Excellency's memorandum of the 12th instant, covering copy of a cable received from the Secretary of State for the Colonies, on the subject of proposed legislation dealing with the immigration of Hindoo coolies, the Prime Minister desires to state that, in view of the opinion expressed by His Majesty's Government, the proposed legislation will not be proceeded with this year.

In order to ascertain the views of the Right Honourable the Secretary of State for the Colonies upon the Bill which was prepared for introduction, a copy is attached for transmission to the Colonial Office, and also a copy of the principal Act,‡ which it is proposed to amend.

W. F. MASSEY,

Prime Minister.

Enclosure 2 in No. 64.

A BILL INTITLED

AN ACT to amend the Immigration Restriction Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Immigration Restriction Amendment Act, 1913, and shall form part of and be read together with the Immigration Restriction Act, 1908 (hereinafter referred to as the principal Act).

Section 14 of principal Act amended. 2.—(1.) Subsection one of Section fourteen of the principal Act is hereby amended by omitting all the words of paragraph (a) after the words "European language," and substituting the words "not less than fifty words dictated to him by the said officer or through an interpreter; or, at the option of the said officer, an application in such one of the prescribed forms as the said officer thinks fit."

Repeal. (2.) Section four of the Immigration Restriction Amendment Act, 1910, is hereby repealed.

Power to deal with certain persons as if prohibited from grants. 3.—(1.) Where any person is, within two months after landing in New Zealand, found to be—

(a.) An idiot or insane; or

(b.) Suffering from a contagious disease which is loathsome or dangerous;

he may be removed from New Zealand, and pending removal may be detained in such safe custody as the Minister directs.

* No. 56.

† No. 58.

‡ Act No. 78 of 1908: not reprinted.

(2.) In every such case the master and owner of the ship by which such person was brought to New Zealand shall be jointly and severally liable for the expenses incurred by the Government in removing such person from New Zealand and in detaining him in New Zealand pending such removal.

(3.) The provisions of Section twenty-four of the principal Act shall extend and apply to every such person in the same manner as if he were a prohibited immigrant.

4. It shall be the duty of the master and owner of any ship having on board any prohibited immigrant or Chinese to take steps for the safe detention of such persons while the ship is in any port in New Zealand or until permission is granted to land them in New Zealand, and no such master or owner shall be liable to any action or proceeding on account of any reasonable steps so taken.

5.—(1.) The master and owner of every ship from which any Chinese unlawfully lands in New Zealand are jointly and severally liable to a fine of one hundred pounds in respect of each such Chinese in addition to the sums which the master is liable to pay under Section thirty-one of the principal Act or under Section six of the Immigration Restriction Amendment Act, 1910.

(2.) Section thirty-two of the principal Act is hereby amended by omitting the words "such master (in addition to such sum) shall be liable to a fine not exceeding fifty pounds for each such Chinese so landed or permitted to land or escape, and in addition."

(3.) Section forty-two of the principal Act is hereby amended by omitting paragraph (b) of subsection one and by repealing subsection three.

Power to detain prohibited immigrants and Chinese on board ship.

Where Chinese unlawfully land master and owner liable.

Repeal.

CANADA.

9961

No. 65.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 8th April, 1912.)

TELEGRAM.

[Copy to Foreign Office and India Office, 12th April, 1912. L.F.]

[Answered by No. 66.]

Your despatch 20th March, No. 149,* Saskatchewan Bill as to female labour. Your Ministers no doubt recognise grave objection to legislation affecting Asiatics nomination. Please keep me informed of any action as to Bill.—HARCOURT.

13090

No. 66.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received April 29, 1912.)

[Answered by No. 76.]

(No. 229.)

SIR, Government House, Ottawa, 17th April, 1912.

I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of the Secretary of State, enclosing a copy of a Bill of the Province of Saskatchewan relating to the employment of female labour by Asiatics. (Reference to previous despatch: Secretary of State's telegram, 8th April.)†

I have, &c.,

ARTHUR.

Enclosure in No. 66.

SECRETARY OF STATE'S DEPARTMENT to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, April 15th, 1912.

I HAVE the honour to refer to a cablegram message received by His Royal Highness the Governor-General from the Colonial Office, dated the 8th instant,

* Not printed: but see No. 66.

† No. 65.

respecting a Bill of the Province of Saskatchewan relating to the employment of female labour by Asiatics, and to inform you that on the 10th of April a telegram was sent to his Honour the Lieutenant-Governor of Saskatchewan, in the following words: "Kindly advise for information of Colonial Office position of Bill recently before Legislature respecting female labour. If Bill enacted please mail six copies."

Sufficient time has not elapsed for the copies to come to hand, but in the meantime certified copies of the Statutes of Saskatchewan have arrived, and amongst them I find "An Act to Prevent the Employment of Female Labour in Certain Capacities," which appears to me to be the Bill referred to in the Colonial Office cablegram. I am enclosing a copy of this Bill herewith. You will observe that it was assented to on the 15th of March.

I have, &c.,
THOMAS MULVEY,
Under-Secretary of State.

CHAPTER 17.

AN ACT TO PREVENT THE EMPLOYMENT OF FEMALE LABOUR IN CERTAIN CAPACITIES.
(Assented to March 15th, 1912.)

His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:—

1. No person shall employ in any capacity any white woman or girl or permit any white woman or girl to reside or lodge in or to work in or, save as a *bona fide* customer in a public apartment thereof only, to frequent any restaurant, laundry or other place of business or amusement owned, kept or managed by any Japanese, Chinaman or other Oriental person.

2. Any employer guilty of any contravention or violation of this Act shall upon summary conviction be liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a term not exceeding two months.

3. This Act shall come into force on the first day of May, 1912.

13090

No. 67.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

[Answered by Nos. 68 and 69.]

SIR,

Downing Street, 7 May, 1912.

WITH reference to the letter from this Office of the 12th of April,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir Edward Grey] [the Marquess of Crewe], the accompanying copy of a despatch† from the Governor-General of the Dominion of Canada, on the subject of the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities.

2. Mr. Harcourt will be glad to receive any observations which [Sir E. Grey] [Lord Crewe] may desire to offer on the terms of this Bill.

3. A similar letter has been addressed to the [India Office] [Foreign Office].

I am, &c.,
H. W. JUST.

15708

No. 68.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received May 22, 1912.)

[Answered by No. 70.]

SIR,

Foreign Office, May 21, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 13090/1912, of the 7th instant,‡ transmitting a copy of a despatch from the

* L.F. transmitting copy of No. 65.

† No. 66.

‡ No. 67.

Governor-General of the Dominion of Canada on the subject of the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities, and expressing Mr. Secretary Harcourt's desire to be furnished with any observations which Sir E. Grey may have to offer upon the terms of this enactment.

The Act in question does not appear to constitute an infringement of any treaty right enjoyed by Japan in the Dominion, but the Japanese may well, it seems to the Secretary of State, feel resentment at the discrimination enforced against them, and at being coupled under the terms of the Act with Chinese and other Oriental persons.

At the same time, as there has been no breach of any treaty engagement, and as assent has already been given to the Act, Sir E. Grey does not desire to put forward any suggestion in the matter.

I am, &c.,
W. LANGLEY.

17309

No. 69.

INDIA OFFICE to COLONIAL OFFICE.

(Received June 5, 1912.)

[Answered by No. 73.]

SIR,

India Office, Whitehall, London, S.W., 4th June, 1912.

I AM directed by the Marquess of Crewe to acknowledge the receipt of your letter of the 12th April, No. 9961,* and Sir H. Just's letter of the 7th May, No. 13090,† on the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities.

His Lordship fully concurs in the telegram despatched by Mr. Secretary Harcourt to the Governor-General on the 8th April.‡

His Lordship will be glad to learn what view the Foreign Office take of the measure so far as it affects Chinese and Japanese.

I have, &c.,
LIONEL ABRAHAM.

17309

No. 70.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 71.]

SIR,

Downing Street, 20th June, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st of May,§ with reference to the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities. I am to enclose a copy of a letter|| from the India Office on the subject.

2. Mr. Harcourt desires me to point out that on various occasions since 1898 correspondence has taken place and protests have been made on the subject of legislation in Canada which has been directed against Japanese, and that only during a comparatively small part of this period have the Japanese had any treaty rights in the matter.

In this connection I am to enclose a Colonial Office memorandum (Dominions No. 1), and to draw attention in particular to pp. 22-25, describing the controversy with regard to the British Columbia legislation of 1898 and 1899, at which time the Japanese enjoyed no treaty rights in Canada. It will be remembered that both in the case of the British Columbia legislation and, in the present case the power of disallowance is vested, not in the Secretary of State, but in the Dominion Government.

It appears to Mr. Harcourt, therefore, that even in the absence of a breach of any treaty engagement it is justifiable to make representations to the Canadian Government if circumstances render this course desirable.

3. As the Secretary of State indicated in his telegram to the Governor-General of the 8th of April|| the objection in the present case is not to the principles of the

* L.F. transmitting copy of No. 65. † No. 67. ‡ No. 65. § No. 68. || No. 69.

Saskatchewan Act, but to the fact that it mentions Asiatics *nominatim*. Sir E. Grey is aware of the importance which is attached by Oriental nations to avoidance of discrimination before the law merely on the ground of race and colour. This view has been strongly emphasised in the British Indian controversy in South Africa (see Lord Crewe's despatch of 7th October, 1910, printed in [Cd. 5579]), and if there are any Indians in Saskatchewan they will not improbably resent the reference to "Orientals" as much as the Japanese to themselves. It should, however, be possible by some alteration of the terms of the Saskatchewan Act to make no reference to such distinctions while attaining the objects of the Act.

4. In the circumstances, before replying to the India Office letter of the 4th of June,* Mr. Harcourt would be glad to know whether Sir E. Grey has any further observations to offer on the matter.

I am, &c.,
H. W. JUST.

20427

No. 71.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 2, 1912.)

[Answered by No. 72.]

Sir,

Foreign Office, July 1st, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 17300/12, of the 20th ultimo,† relative to the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities.

Sir E. Grey desires me to state that it was chiefly on the ground that the assent of the Governor-General of Canada had been given to this measure that he judged it inexpedient to put forward any observations upon it. If, however, as indicated in your letter, the Secretary of State for the Colonies is still in a position to take effective action in the matter, and seeing that there is a possibility that means could be found to attain the objects of the Act without the mention of Asiatics *nominatim*, Sir E. Grey would certainly be in favour of the Dominion Government being invited to cause the cancellation of the measure already sanctioned, and the substitution of other legislation.

I am, &c.,
W. LANGLEY.

20427

No. 72.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 74.]

Sir,

Downing Street, 12 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 1st of July,‡ on the subject of the Act of the Legislature of Saskatchewan to prevent the employment of female labour in certain capacities.

2. In reply I am to request that you will explain to Secretary Sir Edward Grey that the Act has only received the assent of the Lieutenant-Governor of the Province, and that it is still open to the Governor-General of the Dominion in Council to disallow the Act within a period of one year from the date of its receipt by the Governor-General, which would appear to have been early in April.

3. I am accordingly to transmit the draft of a despatch§ which, with the concurrence of Sir Edward Grey, Mr. Harcourt proposes to address to the Governor-General of Canada on the subject.

4. I am to add that a copy of the correspondence and a draft of the despatch are being forwarded to the India Office for the consideration of the Marquess of Crewe.

I am, &c.,
H. W. JUST.

* No. 69.

† No. 70.

‡ No. 71.

§ See No. 76.

20427

No. 73.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 75.]

Sir,

Downing Street, 12 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 4th June,* on the subject of the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities.

2. In reply I am to transmit to you the accompanying copy of correspondence† with the Foreign Office with regard to this Act and the draft of a despatch‡ which, with the concurrence of the Marquess of Crewe, Mr. Harcourt proposes to address to the Governor-General of Canada on the subject.

I am, &c.,
H. W. JUST.

22348

No. 74.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 17, 1912.)

Sir,

Foreign Office, July 16, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 20427/1912, of the 12th instant,§ and to inform you that he concurs in the terms of the despatch which the Secretary of State for the Colonies proposes to address to the Governor-General of Canada on the subject of the Act of the Legislature of Saskatchewan to prevent the employment of female labour in certain capacities.

I am, &c.,
W. LANGLEY.

23321

No. 75.

INDIA OFFICE to COLONIAL OFFICE.

(Received July 25, 1912.)

[Answered by L.F. transmitting copies of Nos. 76 and 77.]

Sir,

India Office, Whitehall, London, S.W., 24th July, 1912.

I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letter of 12th instant, No. 20427,|| on the subject of the Act of the Province of Saskatchewan to prevent the employment of female labour in certain capacities, and to inform you in reply that his Lordship in Council concurs in the draft despatch which Mr. Secretary Harcourt proposes to address to the Governor-General of Canada.

I have, &c.,
LIONEL ABRAHAMS.

20427

No. 76.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office and India Office, 22nd August, 1912. L.F.]

(No. 580.)

Sir,

Downing Street, 17th August, 1912.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch, No. 229, of the 17th of April,¶ transmitting copy of an Act of the Legislature of Saskatchewan, entitled "An Act to prevent the employment of female labour in certain capacities."

* No. 69. † Nos. 68, 70, 71, and 72. ‡ See No. 76. § No. 72. || No. 73. ¶ No. 66.
33150 F

2. In reply I have to request you to inform your Ministers that His Majesty's Government regret to have to invite the earnest attention of your Government to the terms of this Act in their bearing on questions of international relations, and the consideration due to His Majesty's British Indian subjects.

3. His Majesty's Government do not desire to express any opinion as to the substance of the legislation, which, they presume, has been rendered desirable by local circumstances. But they must call attention to the fact that the Act is expressly directed by name against the employment of white women or girls by "any Japanese, Chinaman, or other Oriental person."

4. As far as Chinese are concerned, His Majesty's Government recognise that, in the absence of any Treaty engagements with China, and in view of the many precedents of Acts differentially affecting Chinese which have been passed and in which His Majesty's Government have acquiesced, it is not necessary to take exception to the terms of the Act. But as regards the express mention of Japanese and Oriental persons, which term is no doubt intended to, and will be taken to, include His Majesty's British Indian subjects, I have to remind your Ministers that the Japanese Government (as will be seen from the lengthy correspondence which from 1898 has passed between your predecessors and successive Secretaries of State as regards British Columbian Acts) are strongly opposed to any discrimination affecting Japanese subjects by name, while His Majesty's Government and the Government of India have no less strong objection to any provisions so worded as to discriminate by name or by inevitable implication against natives of British India.

5. I shall be glad, therefore, if your Ministers will give their earnest consideration to the question and will invite the Government of Saskatchewan to amend the Act within the period within which disallowance is possible, in such a manner as to remove any discrimination by name against Japanese or British Indian subjects.

6. I shall be glad to receive an expression of the views of your Ministers on this question at their early convenience.

I have, &c.,
L. HARCOURT.

23321

No. 77.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office and India Office, August 22, 1912. L.F.]

[Answered by No. 78.]

(Secret.)

Sir, Downing Street, 17th August, 1912.
With reference to my despatch, No. 580, of even date,* I have the honour to transmit to Your Royal Highness, for your confidential information, copy of a Note on the subject of the Saskatchewan Act to prevent the employment of female labour in certain capacities, which I communicated to Mr. Borden, with whom I discussed the question.

2. As the matter is one of no small importance, not so much because of the actual question involved, as because the principle of differential legislation has not hitherto been accepted in the Dominion, I have to request that Your Royal Highness will not fail to urge the question on the attention of your Ministers, and will keep me informed of any action taken by them in the matter.

I have, &c.,
L. HARCOURT.

* No. 76.

Enclosure in No. 77.

NOTE on the Act of the Legislature of Saskatchewan, assented to on the 15th of March, entitled "An Act to Prevent the Employment of Female Labour under certain conditions."

(Confidential.)

This Act provides that from the 1st of May, 1912, no person shall employ in any capacity any white woman or girl or permit any white woman or girl to reside or lodge in or to work in or, save as a *bond fide* customer in a public apartment thereof only, to frequent any restaurant, laundry, or other place of business or amusement owned, kept, or managed by any Japanese, Chinaman, or other Oriental person. Any contravention of the Act is punishable on summary conviction by a penalty not exceeding \$100, and in default of payment to imprisonment for a term not exceeding two months.

It appears from the Canadian newspapers that the Act has been obeyed, and that Japanese and Chinese restaurant and laundry keepers have had to part with white women in their employ.

To this Act exception has been taken by the Secretary of State for Foreign Affairs and the Secretary of State for India. It is pointed out by Sir Edward Grey that the Japanese Government have the strongest objection to Acts differentially affecting Japanese subjects, and by the Marquess of Crewe that the Government of India and popular opinion in India resent strongly any action inflicting disabilities on British Indian subjects, who, it is clear, are covered by the term Oriental included in the Act.

The validity of the objections of both would no doubt be conceded by the Government of the Dominion of Canada, and it will be remembered that from 1898 to 1908 the late Government of Canada disallowed Act after Act differentiating against Japanese and Orientals. This action, it should be added, was not due to considerations of treaty obligations, for until 1906 no treaty existed which conferred privileges on Japanese in Canada, and by far the greater number of Acts were disallowed before that date.

It would be possible simply to alter the law so as to provide that no person without a licence, to be obtained from some executive authority, shall employ in any capacity any white woman or girl, or permit any white woman or girl to reside or lodge in or to work in, or save as a *bond fide* customer in a public apartment thereof only, to frequent any restaurant, laundry, or other place of business or amusement. Thus by differential treatment in the matter of the grant of licences, the Japanese and other Orientals could be refused licences. The grant of such licences might be in the absolute discretion of the authority selected.

30584

No. 78.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received September 28, 1912.)

[Copy to Foreign Office and India Office, October 5, 1912. L.F.]

(Secret.)

Sir, Canada, Pointe au Pic, P.Q., 14th September, 1912.
With reference to your secret despatch of the 17th August,* on the subject of the Saskatchewan Act to prevent the employment of female labour in certain capacities, I have the honour to transmit herewith, for your information, copies of an approved minute of the Privy Council for Canada stating that the matter has been brought to the attention of the Lieutenant-Governor of Saskatchewan with the request that the matter be again taken under consideration by his Government.

I have, &c.,
C. FITZPATRICK,
Deputy Governor-General.

* No. 77.

Enclosure in No. 78.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Deputy Governor-General on the 6th September, 1912.

(P.C. 2431.)

The Committee of the Privy Council have had before them a report, dated 30th August, 1912, from the Minister of Justice, to whom was referred a despatch, dated 17th August, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, with reference to an Act passed at the last session of the Legislature of Saskatchewan intituled "An Act to prevent the employment of female labour in certain capacities."

The Minister observes that Mr. Harcourt, by the said despatch, invites the earnest attention of Your Royal Highness's Government to the terms of this Act in their bearing on questions of international relations and the consideration due to His Majesty's British Indian subjects, and it is suggested that the Act should be amended within the time limited for disallowance in such manner as to remove any discrimination by name against Japanese or British Indian subjects.

The Committee, on the recommendation of the Minister of Justice, advise that a copy hereof, together with copy of the said despatch, be transmitted to the Lieutenant-Governor of Saskatchewan, with a request that the matter be considered by his Government, and that Your Royal Highness's Government may be informed as to whether the local Government will promote the suggested legislation at the next ensuing session of the legislature.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

38178

No. 79.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2 December, 1912.)

[Answered by No. 91.]

(Confidential.)

SIR, Government House, Ottawa, 20 November, 1912.
WITH reference to your Confidential despatch of the 16th December last,* with regard to the disabilities to which British Indian subjects are liable in the Dominion, I have the honour to transmit herewith, for your information and for transmission to the Government of India, copies of an approved minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

You will observe that my Ministers do not consider it expedient that this information should be made public, and it is suggested accordingly that the communication may be regarded as confidential.

I have, &c.,
ARTHUR.

Enclosure in No. 79.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 16TH NOVEMBER, 1912.

(P.C. 3211.)

The Committee of the Privy Council have had before them a report, dated 12th November, 1912, from the Secretary of State for External Affairs, upon a Confidential despatch, dated 16th December, 1911, from the Right Honourable the Secretary of State for the Colonies, with regard to the disabilities to which British Indian subjects are liable in the Dominion.

The Minister submits that Section four of the Immigration Act, copy of which is appended† for convenience of reference, provides that the Minister of the Interior

* No. 31 in Dominions No. 21.

† See page 33 of Dominions No. 21.

may issue a written permit authorizing any person to enter Canada without being subject to the provisions of that Act; and under that authority the Minister of the Interior is prepared to issue such permits to British Indian subjects who may wish to visit Canada temporarily, coming direct from India or from the United States, it being understood, however, that in the case of those coming from the United States, they would first be required to obtain from the United States Immigration Department the necessary authority to return to the United States at the expiration of the permit or at an earlier date if the Canadian Government should so order.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to communicate this information to the Right Honourable the Secretary of State for the Colonies for transmission to the Government of India, but, as it is not considered expedient that it should be made public, it is suggested that the Imperial and Indian authorities be requested to regard the communication as confidential.

All which is respectfully submitted for approval.

F. K. BENNETTS,
Assistant Clerk of the Privy Council.

38178

No. 80.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 83.]

(Confidential.)

SIR, Downing Street, 7 December, 1912.
WITH reference to the letter from this Department of the 18th December, 1911,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, a copy of a despatch† from the Governor-General of Canada, forwarding an approved minute of the Privy Council for Canada, from which it will be seen that the Dominion Government are prepared to issue to British Indian subjects who may wish to visit Canada temporarily, coming direct from India or *via* the United States, permits to enter the Dominion without being subject to the provisions of the Immigration Act.

2. Mr. Harcourt proposes to thank for this decision the Canadian Government, but before replying to the Governor-General he would be glad to receive any observations which the Marquess of Crewe may have to offer on the subject.

3. It will be observed that the Canadian Government desire that their decision in the matter should be regarded as confidential.

I am, &c.,
H. W. JUST.

1031

No. 81.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 January, 1913.)

[Answered by L.F. transmitting copy of No. 82.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Chargé d'Affaires at Tokio, No. 3, dated January 3rd, 1913, respecting the attitude of Provincial Governments in Canada to resident Japanese.

Foreign Office,
January 9th, 1913.

* 39703: not printed.

† No. 72.

Enclosure in No. 81.

(No. 3.)

SIR,

Foreign Office, January 3rd, 1913.

BARON KATO brought to my notice to-day the attitude of some of the Provincial Governments in Canada to the Japanese who were resident there. He gave me the annexed papers as illustrations. He pointed out that the Japanese Government strictly enforced the limit of four hundred new Japanese immigrants into Canada per annum. The number of Japanese already in Canada that returned to Japan was each year in excess of this number. There was, therefore, no question of the number of Japanese increasing in Canada. On the contrary, the number was decreasing, for enquiry had proved that the Japanese were not immigrating from the United States into Canada. There was thus no reason for Canadian apprehensions about the Japanese, and no justification for the taking of special measures against them by the Canadian authorities.

He represented that to single out the Japanese for special restrictions was not fair, and was necessarily hurtful to their "amour-propre." In Australia the difficulty had been overcome by applying a language test, which was not, on the face of it, specially directed against the Japanese. The Japanese in Canada belonged mostly to the labouring class, and any restrictions which were imposed upon lower class foreign European immigrants could be applied to the Japanese without exception being taken. He urged that whatever was done should be in a way which was not offensive to Japanese "amour-propre," and in a form which was consistent with the friendly relations existing between Great Britain and Japan.

I said that I would refer this matter to the Colonial Office, who would no doubt bring it to the notice of the Canadian Government. But he had himself stated that he knew it was our policy not to interfere in the internal affairs of the self-governing Dominions, and I believe that it was also a matter of some delicacy for the Dominion Government to interfere too much with the Provincial Governments. I could not, however, say anything definite till I had referred to the Colonial Office, though we were most anxious to avoid anything that was offensive in form to Japanese feeling.

It was apparent from all that Baron Kato said that he understood it to be inevitable that British self-governing Dominions should enforce measures to prevent increase of Japanese settlement in their territories; his contention was that some way of doing this should be found, as in Australia, that was not in form offensive to Japanese "amour-propre"; and that in Canada, in particular, the contingency, against which he admitted the Canadian authorities would naturally wish to provide, was at present safe-guarded, because the existing conditions of immigration would, in fact, produce a decrease annually of the number of Japanese in Canada.

I have, &c.,

W. LANGLEY,

for Sir E. Grey.

H. G. Rumbold, Esquire, M.V.O.,
&c., &c., &c.

TIMBER.

On April 15th, 1903, a Resolution was passed by the Legislature of the Province of British Columbia, in which sentiment was expressed that in the administration of the natural resources of the Province provision should be made in all contracts, leases, and concessions entered into by the Government, looking toward the development of such resources by "our own people" (meaning white labour).

The question is one which resolves itself into a contract between the Crown and its licensees, namely, that in return for the privilege of cutting and marketing the Crown timber the licensee contracts that in such cutting and removal from the Crown lands, he will, in addition to the payment of the fees and royalties imposed by Statute, give to the Province the additional advantage of employing white labour exclusively.

The Resolution was not enforced until recently (August, 1912), when suddenly the authorities began to grant licences on condition that no Japanese or Chinese should be employed.

Number of Japanese labourers engaged in the timber business is about 500 to 600 in summer and 1,000 in winter. Of these, the Japanese labourers engaged on the Crown lands are about 200, and the number of those who are compelled to abandon the work as the result of the enforcement of the Resolution is about 100.

FISHERY.

Proposed change in the fishery regulations and policy for *Fishery District, No. 2*, is designed to foster immigration of white fishermen to the Pacific Coast. According to Honourable W. J. Bowser, Commissioner of Fisheries for British Columbia, the main object is "to dot this Coast line with villages of prosperous white fishing folk, available as raw material for the Empire's navies." The Dominion and Provincial authorities have agreed, among other things, to reserve until March 15th each year as many licences in each area as there is reason to anticipate will be applied for by bona fide white fishermen owning their own boats and gear, and to assign the remaining boats allowed to the existing canneries, *pro rata* the present boat rating (for the present year 425, or half the number of the existing licensed boats, are assigned for the independent white fishermen).

The number of Japanese fishermen in Fishery District, No. 2, is between 700 and 1,000. If the whole of 425 licences were given to the white fishermen, the number of Japanese fishermen would be reduced to half of the above figures.

JAPANESE EMPLOYMENT.

An Act of the Legislature of the Province of Saskatchewan, intitled "An Act to prevent the employment of female labour in certain capacities," in which provision is made against the employment by any person of "any white woman or girl to reside or lodge in or to work in or, save as a bona fide customer in a public apartment thereof only, to frequent any restaurant, laundry, or other place of business or amusement owned, kept, or managed by any Japanese, Chinaman, or other Oriental person," was to come into force on May 1st, 1912.

(Enactment of the law aims at the suppression of immorality which is supposed to exist in doubtful restaurants or opium dens run by some Chinamen in the Province, but the scope of the legislation is so sweeping that it would prevent a Japanese bank, wholesale house, factory or any other legitimate business from employing any white girls as stenographers, book-keepers, cashiers, &c.)

The date of the passing of the Act is not known, but believed to be in April, 1912.

The number of Japanese residents in the Province of Saskatchewan is about fifty, most of whom live in Moose Jaw.

The Chinese residents are numerous.

EMIGRATION RESTRICTIONS.

(Letter from the Minister for Foreign Affairs to the British Ambassador, December, 1907.)

" Japanese Government do not contemplate that under existing circumstances the number of emigrants who will go to Canada as household servants and agricultural labourers will exceed four hundred annually."

The following classes of emigrants only are those to whom the Japanese Government will grant permission to emigrate to Canada.

1. Emigrants having previously resided in Canada and holding certificates of such residence, issued by the Japanese Consular authorities in the Dominion, and the wives and children of such emigrants.

2. Emigrants specially engaged by Japanese residents in Canada for bona fide personal or domestic service, upon production of written evidence of such engagement, attested by the competent Japanese Consular authorities.

3. Contract emigrants where terms of the contract, works to be done, names and standing of the intended employers are satisfactorily specified; such contracts to be accompanied by a certificate from the Japanese Consul in the district where the labourers are to be employed.

In addition to the above, emigrants brought in under contract by Japanese resident agricultural holders in Canada, and specially required for the promotion of such agriculture; such contract to be accompanied by the certificate of the Japanese Consular authority in the district where the labourers are to be employed.

1031

No. 82.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 16 January, 1913. L.F.]

(Secret.)

SIR,

Downing Street, 15 January, 1913.

WITH reference to my Secret despatch of the 1st of January,* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a despatch† addressed by the Secretary of State for Foreign Affairs to His Majesty's Representative at Tokio, communicating the substance of a conversation with Baron Kato with regard to the attitude of some of the Provincial Governments of Canada to Japanese resident in the Dominion.

2. The Act of the Legislature of Saskatchewan to which reference was made by Baron Kato has formed the subject of correspondence, terminating with my despatch under reference. It will be observed that Baron Kato calls attention to the fact that the scope of the law is so sweeping that it would prevent a Japanese bank, wholesale house, factory, or other legitimate business from employing any white girls as stenographers, bookkeepers, cashiers, &c. Your Ministers are aware of the exception which is taken to the Act by His Majesty's Government, on the ground of the form of the discrimination adopted, and I trust they will find it possible either to secure the repeal of the Act by the Provincial Legislature, and the substitution of a measure in terms not offensive to Japanese or other Asiatics, or that they will take steps for its disallowance within the period in which disallowance is possible.

3. I would also suggest, for the consideration of your Ministers, that the Government of British Columbia might be invited to carry out its policy of requiring that holders of licences should not employ Japanese or Chinese by adopting a language test or by some means which does not involve a direct discrimination against Japanese on racial grounds. As far as Chinese are concerned, His Majesty's Government do not press for any alteration in the existing practice.

4. I shall be glad to receive information with regard to the change in the Fishery Regulations to which reference is made by Baron Kato.

I have, &c.,
L. HARCOURT.

3860

No. 83.

INDIA OFFICE to COLONIAL OFFICE.

(Received 3 February, 1913.)

[Answered by L.F. transmitting copies of Nos. 86, 90, and 91.]

India Office, Whitehall, London, S.W.,

1st February, 1913.

SIR,

I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letter of the 7th December, No. 38178/12,‡ on the question of the issue of temporary permits to British Indians desiring to visit the Dominion of Canada.

Lord Crewe fully concurs in the proposal of Mr. Secretary Harcourt to thank the Dominion Government for the statement of their willingness to issue permits, subject to the conditions laid down, under Section 4 of the Dominion Immigration Act. He notes the suggestion that the decision should be regarded as confidential, but assumes that the Government of India will be at liberty to state, in answer to

* 30584 (reminder) : not printed.

† Enclosure in No. 81. ‡ No. 80.

enquiries, that this section allows the Minister of the Interior to issue temporary permits, and that there is no reason to suppose that the power will not be exercised with reasonable liberality in all proper cases.

On the question of the admission to the Dominion of the wives and minor children of Indians domiciled therein, I am to transmit, for Mr. Harcourt's consideration, a copy of a letter received from the Government of India. His Lordship will be glad to receive further information on the case of the two Sikh women admitted as an act of grace. The official report of this decision appears not to have been communicated, though that decision is implied in the papers transmitted to this Office in your Confidential letter of the 27th July last, 21018.* While welcoming the action taken in these individual cases, His Lordship would suggest to Mr. Harcourt the desirability of communicating to the Dominion Government the representations made by the Government of India, which seem to him to have great force.

I have, &c.,
T. W. HOLDERNESS.

Enclosure in No. 83.

(No. 82 of 1912.)

GOVERNMENT OF INDIA : DEPARTMENT OF COMMERCE AND INDUSTRY : EMIGRATION.

MY LORD MARQUESS,

Delhi, the 19th December, 1912.

WE have the honour to address your Lordship on the subject of the admission to Canada of the families of Indian residents in the Colony. In paragraph 2 of our despatch, No. 64, dated the 24th October, 1912, we informed your Lordship of our intention to consider the question further on receipt of the report called for by the Colonial Office on the case of the two Sikh women who recently went to Canada. Intimation has since been received by us direct from the Dominion Government that the two women have been admitted to the Colony as an act of grace, and we now desire to state our views concerning the principles involved in the case of these immigrants.

2. We are strongly of opinion that the absence of any provision in the Canadian Immigration Law exempting from its operation *bonâ fide* wives and minor children of persons domiciled in the Colony constitutes a serious hardship in the case of domiciled Indians. The entry of such Indians in unduly large numbers has been effectually checked by the two Orders in Council requiring arrival by continuous journey and the possession of 200 dollars. With the exception of Australia, all the other British Colonies, including the Transvaal, where the feeling against Asiatic immigration is notoriously strong, provide for such an exemption in their Immigration Restriction Acts. In Australia the question has never been of much practical importance. It is now seven years since the Australian Immigration Restriction Amendment Act of 1905 withdrew the concession in favour of wives of non-prohibited immigrants embodied in Clause 3 (m) of the principal Act 17 of 1901, and we have not yet had a single complaint from any quarter against its abolition. It is for this reason that the Government of India have not thought it necessary to press for a further consideration of the request made in paragraph 4 of the despatch from Lord Minto's Administration, No. 20, dated the 12th April, 1906. On the other hand, with regard to the corresponding disability imposed by the Canadian Law, representations have not only been made to His Majesty's Government and ourselves, but there has been a constant agitation against the disability in Canada; and the Dominion Government, as would appear from the recent debate in the House of Commons at Ottawa, forwarded with the India Office letter, dated the 3rd April, 1912, have not found it possible to ignore the reality of the grievance.

3. We have on more than one occasion expressed our appreciation of the conciliatory attitude with which the Government of Canada have approached the difficult question of restricting oriental immigration into the Colony, and of the consideration shown for the feelings of His Majesty's British Indian subjects in the avoidance of invidious legislation expressly discriminating against them. We learn with equal satisfaction from the recent case of the two Sikh women that the Dominion Government are still in attitude conciliatory and considerate. We therefore venture to suggest that, if suitable representations were now made by His

* Not printed.

Majesty's Government on behalf of the wives and minor children of Indians resident in the Colony, they might be productive of favourable results. In this connection, we observe that the resident Indian population in Canada is apparently inconsiderable, and that fresh immigration from India has been definitely checked except for the temporary admission of students and tourists, who, by the terms of the Immigration Law, are precluded from acquiring Canadian domicile. We accordingly request that your Lordship will be good enough to urge the Secretary of State for the Colonies to press upon the Canadian Government the desirability of removing the existing restriction on the admission of the wives and minor children of Indian residents in Canada, and of thus relieving the loyal Indian subjects of His Majesty resident in Canada of a legitimate grievance, of which we should view the continuance with serious apprehension.

We have, &c.,
O'MOORE CREAGH.
GUY FLEETWOOD WILSON.
R. W. CARLYLE.
HARCOURT BUTLER.
SAIYID ALI IMAN.

To the Most Honourable the Marquess of Crewe, K.G.,
His Majesty's Secretary of State for India.

4273

No. 84.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5 February, 1913.)

[Answered by Nos. 87 and 92.]

(Secret.)

Government House,

Ottawa, 23 January, 1913.

SIR, I HAVE the honour to forward herewith, for your information, a copy of a letter from the Department of External Affairs, dated 21st January, 1913, respecting the Saskatchewan Act to prevent the employment of female labour in certain capacities.

Reference to previous despatch: Colonial Office (Secret), 1 January, 1913.*

I have, &c.,
ARTHUR.

Enclosure in No. 84.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

(Secret.)

SIR,

Ottawa, 21st January, 1913.

REFERRING to a Secret despatch to His Royal Highness from the Secretary of State for the Colonies, dated the 1st instant, on the subject of the Saskatchewan Act to prevent the employment of female labour in certain capacities, I have the honour to inform you that the Minister of Justice has received a certified copy of a statute of Saskatchewan amending the Act in question as follows:—

"Section 1 of Chapter 17 of the Acts of 1912, intituled 'An Act to prevent the employment of Female Labour in certain capacities,' is amended by striking out the word 'Japanese' where it occurs therein, and further by striking out the words 'or other Oriental person' where they occur therein.

"2. The said Act shall be construed as though the said words struck out by Sub-section (1) hereof had never been contained therein";

and I am to request that a reply in this sense may be returned to Mr. Harcourt.

I have, &c.,
W. H. WALKER,
Acting Under-Secretary of State
for External Affairs.

* 30584 (reminder): not printed.

4506

No. 85.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7 February, 1913.)

(No. 39.)

Government House, Ottawa, 27 January, 1913.

SIR, I HAVE the honour to forward herewith, for your information, a copy of a letter from the Department of External Affairs, dated 24 January, 1913, respecting Armenian emigration to Canada.

Reference to previous despatch: Colonial Office, No. 847, 12 December, 1912.*

I have, &c.,
ARTHUR.

Enclosure in No. 85.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

Ottawa, 24th January, 1913.

SIR,

WITH reference to a despatch to His Royal Highness from the Secretary of State for the Colonies, No. 847, of the 12th December last, enquiring what facilities will be afforded to certain Armenian villagers desirous of emigrating to Canada, I have the honour to state that I am informed by the Department of the Interior that no special facilities are offered by the Government of Canada to encourage immigration from any part of Turkey. The conditions in this country are not considered such as to offer special advantages to Asiatics, and the regulations require that every man, woman, and child of Asiatic origin shall have in his or her personal possession and in his or her own right on arrival at a Canadian port of entry not less than \$200, besides being physically and mentally fit to pass a close medical examination. It is not required that this money should be deposited with the Canadian Government, but it has to be shown by the immigrants on arrival, and be their own actual property.

The free land grants in Western Canada are open to entry by Asiatics, the same as other races or nationalities, and there is, of course, no objection whatever to their coming to this country, provided they can comply with the regulations above referred to.

I am to suggest that the foregoing be communicated to Mr. Harcourt in reply to his despatch mentioned above.

I have, &c.,
W. H. WALKER,
Acting Under-Secretary of State for External Affairs.

5470

No. 86.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 15 February, 1913.)

[Copy to India Office, 10 March, 1913. L.F.]

[Answered by No. 90.]

(No. 56.)

Government House, Ottawa, 4 February, 1913.

SIR, I HAVE the honour to forward, herewith, for your information, copies of a letter from the Department of External Affairs, dated 31 January, 1913, respecting the admission to Canada of two Sikh women.

Reference to previous despatch: Colonial Office, No. 64, 18 January, 1913.†

I have, &c.,
ARTHUR.

* 38451: not printed.

† 14134: not printed.

Enclosure in No. 86.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to the GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 31st January, 1913.
 REFERRING to the despatch to His Royal Highness from the Secretary of State for the Colonies, dated the 18th January, 1913, I have the honour to inform you that it would appear that the Sikh women referred to in Mr. Harcourt's despatch were two Hindu women, Kartar Kor and Harnam Kor, and if that is the case I may state that, in view of the fact that these women were given entry to Canada and were allowed to remain here for upwards of three months pending the decision of the Minister of the Interior on their appeal, it was decided to treat their case with special consideration, and to allow them to remain in Canada.

I am to express regret that, owing to an oversight in this Department, the communication of this information should have been so long delayed.

I have, &c.,
 W. H. WALKER,
 Acting Under-Secretary of State for External Affairs.

4273

No. 87.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR, Downing Street, 17 February, 1913.
 I HAVE the honour to acknowledge the receipt of Your Royal Highness's secret despatch of the 23rd January,* and to request you to inform your Ministers that I have learnt with much satisfaction that an Act has been passed by the Legislature of Saskatchewan amending Section 1 of the "Act to prevent the employment of female labour in certain capacities" by striking out the references to "Japanese" and "other Oriental persons."

I have, &c.,
 L. HARCOURT.

4273

No. 88.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

SIR, Downing Street, 18 February, 1913.
 WITH reference to the letter from this Department of the [16th ultimot] [5th October last], I am directed by Mr. Secretary Harcourt to transmit to you for the information of [Secretary Sir Edward Grey] [the Marquess of Crewe] a copy of a despatch* from the Governor-General of Canada reporting that an Act has been passed by the Legislature of Saskatchewan amending Section 1 of the "Act to prevent the employment of female labour in certain capacities," by striking out the word "Japanese" and the words "or other Oriental person" where they occur in that Section.

2. A copy of a despatch§ which has been addressed to the Governor-General in reply is also enclosed.

I am, &c.,
 HENRY LAMBERT,
 for the Under-Secretary of State.

* No. 84. † L.F. transmitting copy of No. 82. ‡ L.F. transmitting copy of No. 78. § No. 87.

4506

No. 89.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 18 February, 1913.
 WITH reference to the letter from this Department of the 24th December last,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir Edward Grey, a copy of a despatch† from the Governor-General of Canada on the subject of the emigration of Armenians to the Dominion.

2. At the same time I am to point out that among the regulations applicable to all immigrants into Canada, including Asiatics, is a rule which prohibits the landing in Canada of "any immigrants who have come to Canada otherwise than by continuous journey from the country of which they are natives or citizens, and upon through tickets purchased in that country or purchased or prepaid in Canada."

I am, &c.,
 HENRY LAMBERT,
 for the Under-Secretary of State.

5470

No. 90.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 10 March, 1913. L.F.]

[Answered by No. 96.]

(Confidential.)

SIR, Downing Street, 6 March, 1913.
 I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch, No. 56, of the 4th of February,‡ on the subject of the admission to Canada of two Hindu women.

2. I have to transmit to you, for the consideration of your Ministers, the accompanying copy of a despatch§ from the Government of India respecting the position, under the law of the Dominion, of the wives and minor children of immigrants who have obtained a domicile in Canada.

3. As the Government of India allude in this despatch to the legislation in force in other parts of the Empire, your Ministers may be glad to have the enclosed copies of the Immigration Acts of the Cape,¶ Natal,‡ and the Transvaal,** and of the Dominion of New Zealand.†† I also enclose a copy of a Parliamentary Paper‡‡ which contains the text of the Bill introduced last year into the Parliament of the Union of South Africa to regulate immigration.

4. I have no doubt that the representations of the Indian Government will receive the careful attention of your Ministers, and I shall be obliged if I may be furnished with an expression of their views in due course.

I have, &c.,
 L. HARCOURT.

3860

No. 91.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 10 March, 1913. L.F.]

[Answered by No. 95.]

(Confidential (2).)

SIR, Downing Street, 6 March, 1913.
 I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 20th of November,§§ on the subject of the disabilities to which British Indian subjects are liable in the Dominion.

* 39927: not printed. † No. 85. ‡ No. 86. § Enclosure in No. 83.
 † Act No. 30 of 1912. ¶ Acts No. 30 of 1903 and No. 3 of 1906. ** Act No. 15 of 1907.
 †† Act No. 78 of 1908. ‡‡ [Cd. 6283]. §§ No. 79.

2. I have to request that you will convey to your Ministers the thanks of His Majesty's Government for the expression of their readiness to issue permits in certain cases under Section 4 of the Dominion Immigration Act to British Indian subjects who desire to visit Canada temporarily.

3. I observe that the decision is to be regarded as confidential, but I should be glad to learn whether the Government of India will be at liberty to state, in answer to enquiries, that Section 4 of the Act allows the Minister of the Interior to issue temporary permits and that there is no reason to suppose that the power will not be exercised with reasonable liberality in all proper cases.

I have, &c.,
L. HARCOURT.

9985

No. 92.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2 p.m., 27 March, 1913.)

TELEGRAM.

[Copies to Foreign Office and India Office, March, 1913. L.F.]

Your secret despatch 23rd January.* Presume your Government will represent to Government of Ontario strong objections to form of proposed legislation in Bill No. 165 of Ontario Legislature, to prohibit employment of women by Orientals.—HARCOURT.

13055

No. 93.

INDIA OFFICE to COLONIAL OFFICE.

(Received 18 April, 1913.)

[Answered by No. 94.]

(Confidential.)

India Office, Whitehall, London, S.W.,

17th April, 1913.

SIR,

WITH reference to your Confidential letter of the 14th instant, No. 11610,† I am directed by the Marquess of Crewe to transmit, for the information of Mr. Secretary Harcourt, a copy of a letter brought to London by way of introduction by the members of the Khalsa Diwan Society of Vancouver, to whom reference is made in the reports received from the Dominion Government.

Lord Crewe will be glad to learn what action Mr. Harcourt proposes to take in the matter of any request from these delegates for a personal interview. He has already been informally approached, but he is, of course, giving instructions that any petition on the subject should, in the first instance, be submitted to the Secretary of State for the Colonies.

The present deputation appears to differ in two very important respects from that sent to London in 1909 by Indians in Natal, and received by the Secretary of State for India after the Secretary of State and the Parliamentary Under-Secretary of State for the Colonies had accorded its members a personal interview.

In the first place, the present deputation has deliberately refrained from addressing the Dominion authorities, and apparently desires to establish direct relations with the Imperial Government on matters that are within the competence of the Dominion Government.

Secondly, the leader, Nand Singh Sihra, is not a representative of the Indian community in British Columbia, but a student at Berkeley University, in the United States. He is further known to have been associated with British Indians at present in California who are actively engaged in promoting agitation against British rule in India.

* No. 84.

† L.F. transmitting copy of 11610: not printed.

The question of the attitude to be taken in this matter seems to Lord Crewe to be very important, as it is probable that the members of the deputation may proceed to India with the object of laying their grievances before the Government of India, and of attempting to incite public opinion against the policy of the Canadian Government.

I have, &c.,
T. W. HOLDERNESS.

Enclosure in No. 93.

Suite 8, Mahon Block, 1112, Government Street,
Victoria, B.C., March 12th, 1913.

DEAR FRIEND,

THE bearer, Nand Singh, and his companions are going to England and India as a deputation from the Hindustani people of British Columbia, to seek redress from the wrongs and disabilities they are labouring under.

If you can be of any help to them in any way I should be much obliged.

Yours, &c.,
ROBERT WM. CLARK.

J. Allen Baker, M.P.,
House of Commons,
London.

13055

No. 94.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 97.]

(Confidential.)

SIR,

Downing Street, 25 April, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of April,* on the subject of the visit to this country of a deputation from the Hindustani people of British Columbia.

2. In reply, I am to request you to inform the Marquess of Crewe that Mr. Harcourt could not consent to receive the deputation unless he had been informed that they had represented to the Government of Canada the facts which they wished to bring to his notice, and had acquainted that Government of their intention of asking for an interview with him, and unless the deputation had supplied him with a copy of the reply which they had received to their representations from the Government of the Dominion.

3. If, however, Lord Crewe considers it desirable, Mr. Harcourt is prepared to allow the Under-Secretary of State to give them an informal interview at which he would explain to them the reasons which preclude His Majesty's Government from receiving a deputation unless the conditions referred to in the preceding paragraph of this letter have been complied with. The deputation which Sir J. Anderson would receive should be confined to those Indians who are resident in British Columbia, and should not include any person such as Nand Singh Sihra.

I am, &c.,
H. W. JUST.

14256

No. 95.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 28 April, 1913.)

[Copy to India Office, 16 May, 1913. L.F.]

(Confidential.)

SIR,

Government House, Ottawa, 17th April, 1913.

I HAVE the honour to forward, herewith, for your information, copy of a letter from the Department of External Affairs, dated 11th April, 1913, respecting

* No. 93.

temporary permits to British Indian subjects desiring to visit Canada under Section 4 of the Dominion Immigration Act.

I have, &c.,
C. FITZPATRICK,
Administrator.

Reference to previous despatch: Colonial Office, Confidential 2, of 6th March.*

Enclosure in No. 95.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 11th April, 1913.

With reference to the despatch to His Royal Highness from the Secretary of State for the Colonies, Confidential 2, of the 6th March, 1913,* enquiring whether the Government of India would be at liberty to state, in answer to enquiries, that there was no reason to suppose that the power conferred on the Minister of the Interior to issue temporary permits to British Indian subjects desiring to visit Canada under Section 4 of the Dominion Immigration Act would not be exercised with reasonable liberality in all proper cases, I have the honour to state that, as the Minister of the Interior has the decision as to what is regarded as satisfactory security for the proper carrying out of the agreement entered into before any of these permits are issued, there does not seem to be any objection to advising the Indian Government to the effect that permits of this kind will be issued in all proper cases.

I have, &c.,
W. H. WALKER,
Acting Under-Secretary of State
for External Affairs.

14527.

No. 96.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received April 29, 1913.)

[Copy to India Office, May 6, 1913. L.F.]

[Answered by No. 115.]

(Confidential.)

SIR,

Government House, Ottawa, 19th April, 1913.

I HAVE the honour to forward, herewith, for transmission to the Government of India, copy of a letter from the Prime Minister, dated 12th April, 1913, on the subject of the admission to Canada of wives and minor children of British East Indians.

I have, &c.,
C. FITZPATRICK,
Administrator.

Reference to previous despatch: Colonial Office, Confidential, 6th March.†

Enclosure in No. 96.

THE RIGHT HONOURABLE THE PRIME MINISTER TO HIS EXCELLENCY THE ADMINISTRATOR.

TO HIS EXCELLENCY THE ADMINISTRATOR,

THE undersigned, to whom was referred a confidential despatch from the Secretary of State for the Colonies, dated the 6th March, 1913, enclosing a communication from the Government of India in which was urged the desirability of removing the existing restrictions on the admission to Canada of the wives and minor

* No. 91.

† No. 90.

children of British East Indians resident therein, has the honour to submit that the Minister of the Interior represents that the only relaxation made in the regulations in the case of such wives and minor children is the waiving of the regulation requiring the possession of a certain sum of money, where it is shown that the husband and father is in a position to receive and care for his family. He considers that it would be manifestly unfair to exempt wives and children from the general provisions of the Immigration Act as that might mean the admission of the mentally and physically unfit as well as of others whose presence in Canada is not desired. While he is always ready and anxious to do everything possible to remove any ground of complaint in connection with the difficult question of restricting Oriental immigration into Canada, he regrets that it does not seem to be in the public interest just now to make any change in the existing regulations in this regard.

The undersigned would recommend that a reply be returned to Mr. Harcourt's despatch in the sense of the foregoing.

Humbly submitted:
R. L. BORDEN,
Secretary of State for External Affairs.

Ottawa,

12th April, 1913.

14653

No. 97.

INDIA OFFICE to COLONIAL OFFICE.

(Received April 30, 1913.)

[Answered by No. 99.]

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 30th April, 1913.

I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letter of the 25th instant, No. 13055,* and to say that he fully concurs in the views expressed by Mr. Secretary Harcourt with regard to the deputation from the Hindustani people of British Columbia.

His Lordship welcomes Mr. Harcourt's suggestion that actual residents in British Columbia might be informally received by the Under-Secretary of State. An authoritative explanation of the position should serve to prevent much misunderstanding, especially in India.

It might prevent a subsequent application for an audience of the Secretary of State for India, if a representative or representatives of this Office were present at the reception, and if it were explained to the Sikhs that this was the case. If Mr. Secretary Harcourt concurs in this suggestion, the Marquess of Crewe will be glad to act upon it.

I have, &c.,
T. W. HOLDERNESS.

Attached to 14653

No. 98.

SIR W. WEDDERBURN TO SIR JOHN ANDERSON.

(Received May 2, 1913.)

[Answered by No. 100.]

DEAR SIR,

Meredith, Gloucester, 1st May, 1913.

I UNDERSTAND that the Colonial Office is prepared to give an audience to the Sikh delegates from British Columbia, and on behalf of friends and myself I write to say that, being interested as regards the exclusion of the families belonging to the Indian residents, we are desirous of accompanying the delegates as a small deputation of British sympathisers.

* No. 94.

I shall esteem it a favour if you will inform me whether Mr. Harcourt will be willing to meet our wishes. As Parliament rises so soon for the Whitsuntide holidays, it seems desirable that the interview should not be later than the 5th or 6th of this month.

Yours faithfully,
W. WEDDERBURN.

14653

No. 99.

COLONIAL OFFICE to INDIA OFFICE.

(Confidential.)

SIR, Downing Street, 5 May, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th of April,* and to request you to inform the Marquess of Crewe that he concurs that it is desirable that a representative of the India Office should be present at the informal reception by the Under-Secretary of State of those members of the deputation from the Hindustani people of British Columbia who are actual residents of the Province.

2. I am at the same time to enclose a copy of correspondence between Sir William Wedderburn and Sir J. Anderson on this subject, and a copy of a despatch from the Officer Administering the Government of Canada reporting on Hindu matters in British Columbia.

3. I am to add that no application has yet been made to Mr. Harcourt for an interview and that it is presumed that the proposal to give an informal interview will be communicated by Lord Crewe to Mr. Allen Baker, M.P.

I am, &c.,
H. W. JUST.

Attached to 14653

No. 100.

SIR JOHN ANDERSON to SIR W. WEDDERBURN.

[Answered by No. 101.]

DEAR SIR, Downing Street, 5th May, 1913.
I HAVE to acknowledge the receipt of your letter of the 1st of May,§ on the subject of the reception of the Sikh delegates from British Columbia.

In reply, I have to inform you that the Secretary of State is unable to consent to receive a deputation unless he has been informed that they have represented to the Government of Canada the facts which they wish to present to his notice and have acquainted that Government of their intention of asking for an interview with him, and unless the deputation have supplied him with a copy of the reply made to their representations by the Dominion Government. Mr. Harcourt understands that the deputation are not in a position to comply with these conditions, and it is not possible, therefore, for him to accord them an interview.

After consultation with the Secretary of State for India, however, Mr. Harcourt has authorised me to give an informal interview to those members of the deputation who are usually resident in British Columbia, and to explain to them the reasons which preclude His Majesty's Government from receiving a deputation unless the conditions referred to in the preceding paragraph of this letter had been complied with. At this interview it would not be desirable, in Mr. Harcourt's opinion, that British sympathisers with the deputation should take part, especially in view of the fact that the deputation appears deliberately to have ignored the Dominion Government in their action in the matter.

Yours truly,
JOHN ANDERSON.

* No. 97.

† Nos. 98 and 100.

‡ 14255; not printed.

§ No. 98.

Attached to 14653

No. 101.

SIR W. WEDDERBURN to SIR JOHN ANDERSON.

(Received 8 May, 1913.)

[Answered by No. 102.]

DEAR SIR JOHN ANDERSON, Meredith, Gloucester, 7th May, 1913.
I HAVE to thank you for your letter of the 5th.* I have explained to the delegates the objections to the deputation being received by Mr. Harcourt, and they state that they are prepared to produce documentary evidence showing that they put their case fully before the Canadian Government. I may mention that Mr. Nand Singh, who is their spokesman, is a Sikh and a native of Jullundur in the Punjab. It appears that they propose leaving for India on the 15th of this month.

Yours truly,
W. WEDDERBURN.

Attached to 14653

No. 102.

SIR JOHN ANDERSON to SIR W. WEDDERBURN.

[Answered by No. 103.]

DEAR SIR, Downing Street, 9th May, 1913.
I HAVE to acknowledge the receipt of your letter of the 7th of May,† on the subject of the reception of the Sikh delegates from British Columbia.
I shall be glad if you will make it clear to the delegates that, before Mr. Harcourt could accord them an interview, it would be necessary for them to show that they have carried out the conditions stated in the second paragraph of my letter of the 5th of May,* that is to say, that they have represented to the Government of Canada the facts which they wish to present to his notice, that they have acquainted the Dominion Government of their intention of asking for an interview, and that they have supplied him with a copy of the reply made to their representations by the Dominion Government.

On the other hand, if they are not in a position to satisfy these conditions, I am prepared, as I have already informed you, to give an informal interview to those members of the deputation who are residents of British Columbia, at which I would explain to them the reasons which render it impossible for Mr. Harcourt to receive the deputation.

If the deputation desire to have such an interview I shall be glad to see them by appointment on any day, except Tuesday, next week which is convenient to them, and I will arrange for the attendance of a representative of the Secretary of State for India on that occasion.

Yours, &c.,
JOHN ANDERSON.

Attached to 14653

No. 103.

SIR W. WEDDERBURN to SIR JOHN ANDERSON.

(Received 10 May, 1913.)

DEAR SIR, Meredith, Gloucester, 10th May, 1913.
IN reply to your letter of yesterday's date,‡ I would refer to my letter of the 7th instant,† in which I stated that I had explained to the Sikh delegates the conditions regarding an interview with Mr. Harcourt. In order that there might be no misunderstanding, I gave them an extract from paragraph 2 of your letter of the 5th.* I will now communicate to them the message contained in the two last paragraphs of your present letter.

Yours truly,
W. WEDDERBURN.

* No. 100.

† No. 101.

‡ No. 102.

Attached to 14653

No. 104.

DELEGATION KHALSA DIWAN SOCIETY AND UNITED INDIA LEAGUE
to COLONIAL OFFICE.

(Received 13 May, 1913.)

Delegation Khalsa Diwan Society and United
India League, Vancouver, British Columbia,

SIR, 60, Sinclair Road, Kensington, London, W., 12th May, 1913.
We, the delegates of the above Societies, beg to ask you for an interview on Wednesday, the 14th, for that is the only convenient day for us. After that we are going away.

Yours very faithfully,

NAND SINGH SIHRA.
BALVANT SINGH.
NORAIN SINGH.

16276

No. 105.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 13 May, 1913.)

[Answered by No. 116.]

(Confidential.)

SIR, Government House, Ottawa, 30 April, 1913.
I HAVE the honour to forward, herewith, for your information, copies of a letter from the Department of the Interior, dated 23rd April, 1913, respecting Hindu immigration.

I have, &c.,

C. FITZPATRICK,
Administrator.

Enclosure in No. 105.

FROM DEPARTMENT OF THE INTERIOR TO THE GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 23rd April, 1913.
I BEG to send you herewith a copy, in triplicate, of a communication from Mr. Malcolm R. J. Reid, of Vancouver, dated the 14th instant, with its enclosures from the Deputy Commissioner at Ferozepore, with reference to Hindu immigration.

In this connection I beg to say that the night lettergram of the 12th instant, referred to by Mr. Reid, was as follows:—

"Letter received from B. N. Bosworth Smith, Deputy Commissioner, Ferozepore, addressed to the Superintendent in Charge, Immigration Office, Vancouver, British Columbia, Canada. No. 923, dated 5th March, 1913. *Letter begins:* I have many applications from Jat Sikhs in this district wishing to go and try their fortunes in Canada. They all have means and are willing to turn their hands to anything. Under the rules here in force certificates can be given to all suitable persons, but I understand that at Vancouver all who do not know English, or who are medically unfit, are turned back. There is no doubt that Sikhs of the Punjab can earn what is a fortune to them in a very short time, and I understand the wage out there is Rs. 6, rising to Rs. 9 or Rs. 10 a day. One, Sunder Singh, son of Jai Ram of Lande, Tahail Moga, earned in 8 years Rs. 15,000 and is here to-day. He worked first in a saw-mill and then started a grocery store, afterwards acted as interpreter, and has now bought a lot of land in Vancouver City (lot 16, block 38, districts 42, Vancouver Island). I should be obliged if you could kindly cable me if there is free admittance into Canada for such applicants [as] are medically fit and have sufficient means to support themselves, and I will remit the amount later. I have already given 50 certificates of identity

and 68 applications have been received to-day and many more are expected, but I do not intend to give more certificates till more definite information is forthcoming as to the rules of admission. *Letter ends.* Will you kindly cable answer as requested?"

Mr. Hopkinson was in Ottawa at the time this message was received, and he despatched the following cable to London on the 14th instant:—

"Wallinger, Care Judicial Public Department,
India Office, Whitehall, London, England.

"Deputy Commissioner, Bosworth Smith, of Ferozepore District, writes our Vancouver Office that many Jat Sikhs anxious to emigrate to Canada, and that he has already issued fifty certificates of identification. It is extremely undesirable for Indians to come to Canada and strongly advise that you use your utmost endeavours to effectually stop contemplated movement by so advising Government of India. Acharya landed New York ex Argentina, tenth July nineteen twelve, now residing five fifteen east one forty-fourth street, New York City. Am moving re deportation."

I have, &c.,

W. W. CORY,

Deputy Minister.

DEAR SIR,

Vancouver, British Columbia, 14th April, 1913.

I BEG to confirm my night lettergram of the 12th instant, being copy of the communication from the Deputy Commissioner, Ferozepore, to the Superintendent in Charge, Immigration Office, Vancouver, and, for your information, herewith enclose copy of his communication.

As this was only received by me late on Saturday night, the 12th instant, I immediately forwarded the night lettergram, as I considered it was a matter of utmost importance. In view of the fact that 50 had already received certificates of identity from the Commissioner and 68 applications had been received in one day and many more expected, it would be very inadvisable to permit the question of Hindu immigration to be again reopened; as if any large number were given certificates and took the opportunity of chartering a boat they would fulfil the conditions of P.C. 20. I further received a request from Messrs. McCrossan and Harper, barristers (who have handled Hindu matters) this morning asking me if any additional Orders in Council had yet been passed in Ottawa affecting Hindu immigration.

Yours truly,

MALCOLM R. J. REID,
Dominion Immigration Agent.

W. W. Cory, Esq., C.M.G.,
Deputy Minister of the Interior,
Ottawa.

B. N. BOSWORTH SMITH, Esquire, Deputy Commissioner, Ferozepore, to the
SUPERINTENDENT IN CHARGE, Immigration Office, Vancouver, British
Columbia, Canada.

(No. 923.)

5th March, 1913.

SIR,

I HAVE many applications from Jat Sikhs in this district wishing to go and try their fortunes in Canada. They all have means and are willing to turn their hands to anything. Under the rules here in force, certificates can be given to all suitable persons, but I understand that at Vancouver all who do not know English or who are medically unfit are turned back. There is no doubt that Sikhs of the Punjab can earn what is a fortune to them in a very short time, and I understand the average wage out there is Rs. 6 rising to Rs. 9 or Rs. 10 a day.

One Sunder Singh, son of Jai Ram, of Lande, Tahail Moga, earned in eight years Rs. 15,000, and is here to-day. He worked first in a saw-mill, and then started a grocery store, afterwards acted as interpreter, and has now bought a lot of land in Vancouver City (lot 16, block 38, districts 42, Vancouver Island). I should

be obliged if you could kindly cable me if there is free admittance into Canada for such applicants as are medically fit, and have sufficient means to support themselves, and I will remit the amount later.

I have already given 50 certificates of identity, and 68 applications have been received to-day, and many more are expected, but I do not intend to give more certificates till more definite information is forthcoming as to the rules of admission.

I have, &c.,
F. A. CONNOR,
for Deputy Commissioner,
Ferozepore.

14653

No. 106.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR-GENERAL.
(Confidential.)

SIR,

Downing Street, 21 May, 1913.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of correspondence* with Sir William Wedderburn on the subject of a visit to this country of a deputation from the Sikhs resident in British Columbia.

2. In accordance with the proposal made in the correspondence with Sir William Wedderburn, the three representatives of the Sikhs in British Columbia called upon the Under-Secretary of State on the 14th instant, and I enclose, for the information of your Ministers, copies of a statement of their case which they handed in at the interview, and a note of the proceedings on this occasion.

I have, &c.,
L. HARCOURT.

Enclosure 7 in No. 106.

INDIANS IN CANADA.—A BRIEF STATEMENT OF THEIR CASE.

Properly speaking it is since the year 1905 that Indians began to immigrate to Canada, and at the present moment there are about 4,500 British Indian subjects of His Majesty resident in the Dominion of Canada, and almost entirely in the Province of British Columbia. More than half of them are engaged in agriculture, and of the remainder, the majority are employed in railroad construction and maintenance, and in factories and lumber mills.

In spite of the various hardships to which they are subjected by the Dominion Government, they, by dint of untiring industry and enterprise, and by inherent temperate habits succeed in making a decent competency for themselves. The authorities in Canada have so far found them to be respectable and peaceful citizens.

Ninety per cent. of these settlers are members of the Sikh community, several of whom have seen active service in the Indian Army and wear medals awarded for special bravery in the campaigns within and without the limits of India, wherever the British Empire needed them.

Till the year 1907 they were unmolested by the Immigration authorities, but ever since that year restrictions are imposed upon fresh arrivals from India, so that "the door was shut to any more of them," to quote the very words of Brigadier General Swayne, who was Governor-General and Commander-in-Chief of British Honduras, and who was at one time an officer in the Indian Army.

With a view to get rid of Indian settlers in Canada, a scheme was brought about in 1908 to effect the wholesale transportation of Indians to British Honduras. The inclement climate of Honduras and the almost humiliating terms on which the transportation was to take place made it imperative on Indians to decline in a body this "tempting offer" of General Swayne. The result was that Government had to drop the transportation scheme.

* Nos. 98, 100 to 103.

Fresh restrictions were then imposed which placed Indians on a lower footing than that occupied by other Oriental immigrants, Japanese, Chinese, and others, who are not subjects of the British Crown.

The most oppressive restriction which needs immediate repeal is the "Continuous Journey Clause" which excludes Indians from landing in the Dominion of Canada, and is contained in executive Order, P.C., 920, promulgated by the Governor-General of Canada on 9th May, 1910. It runs as follows:—

At the Government House at Ottawa, Monday, the 9th day of May, 1910.
Present: His Excellency in Council. His Excellency in Council is pleased, under the authority of Sub-section I. of Section 38 of the Immigration Act of 9 and 10 Edward VII., to make, and doth hereby make the following regulation:—"From and after the date hereof the landing in Canada shall be and the same is hereby prohibited of any immigrants who have come to Canada otherwise than by continuous journey from the country of which they are natives or citizens, and upon through tickets purchased in that country or purchased or prepaid in Canada."

(Signed) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

It is physically impossible for Indians to fulfil the terms of this order, for the very sufficient reasons—(a) that there is no direct steamship service between India and Canada, and (b) that no steamship companies in India will issue through tickets to Canada.

Another unjust restriction which presses heavily upon Indians is contained in the provisions of Order P.C. 926, also of May 9th, 1910:—

At the Government House at Ottawa, Monday, the 9th day of May, 1910.
Present: His Excellency in Council. His Excellency in Council is pleased, under the authority of Section 37 of the Immigration Act of 9 and 10 Edward VII., to make, and doth hereby make the following regulations:—"No immigrant of Asiatic origin shall be permitted to enter Canada unless in actual and personal possession in his or her own right of two hundred dollars, unless such person is a native or subject of an Asiatic country in regard to which special statutory regulations are in force or with which the Government of Canada has made a special treaty, agreement, or convention."

(Signed) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Owing to special treaties with Japan and China, 400 Japanese are admitted yearly on showing that they possess fifty dollars in specie or negotiable securities, and Chinese are admitted without any restriction to their number on payment of a head tax of 500 dollars each. In the case of Indians, this Order becomes wholly inoperative on account of the impossibility, as heretofore stated, of complying with the "Continuous Journey Clause." Consequently it was not surprising that a large number of cases of hardships occurred ever since these vexatious regulations were made.

Mr. Nathu Ram bought a through 3rd class ticket from Calcutta to Vancouver, but at Hong Kong, where he had to change the boat, he got the 3rd class ticket exchanged for a 2nd class one, on payment of the excess fare. He was not allowed to land because the authorities maintained that he had not a through ticket from Calcutta to Vancouver, with the result that he was made to return by the same boat.

Mr. Hira Singh, an ex-soldier who had settled in Canada, went to India to bring his wife and child. On return he was admitted, but his wife and child were detained on producing a cash bond of \$1,000 (Rs. 3,000), pending the decision of their case in the Supreme Court of British Columbia. After three months, they were admitted as an act of grace.

The cases of Mr. Bhag Singh, the President of the Khalsa Diwan Society, who had once served in the 10th Indian Cavalry, and Mr. Balvant Singh, the High Priest of the Sikh Church at Vancouver, were similar to that of Mr. Nathu Ram. It was only after a prolonged and costly litigation that their families were allowed to land in Vancouver, and that, too, not by right but as an act of grace.

The family of Mr. Hakim Singh, one of the directors of Gura Nanak's Mining and Trust Company, has been waiting in Hong Kong for the last two years to get a ticket to Vancouver, which the steamship companies, who it is presumed are acting

in pursuance of some private arrangement with the Dominion Government, refuse to issue.

Mr. Hossain Rahim, who had settled in Honolulu (Hawaiian Islands), visited Canada as a tourist. Whilst there, he made up his mind to stay in Canada. The Immigration authorities objected and instituted legal proceedings against him, which they, however, lost. Later Mr. Rahim exercised his right of citizenship to vote in the Mayor's election. To nullify his vote a case was filed, which the authorities afterwards withdrew, for reasons best known to themselves.

Mr. Vishnu Pingle went to study in Canada. He was not allowed to land. He went to Seattle in the United States of America, where he was admitted. It is an irony of fate that, while British Governments impose unbearable restrictions on Indian immigrants who are British subjects, foreign governments, like that of America, admit them on showing fifty dollars and after the necessary medical examination.

On December 15th, 1911, Indian delegates waited on the Honourable R. Rogers, Minister of the Interior, at Ottawa, and were formally told by him that part of their representations regarding the admission of their wives and children "shall be immediately attended to, and the other parts also settled in a just and straightforward manner." Over a year has elapsed since then, and, in spite of several reminders sent to the Canadian Government, no definite settlement has been made, and the Canadian Immigration Law stands in the same ambiguous and objectionable form as it did before. It is impossible for Indians to comply with this vexatious regulation.

Enclosure 8 in No. 106.

NOTE OF PROCEEDINGS AT RECEIPT OF DEPUTATION AT COLONIAL OFFICE, 14 MAY, 1913.

The two members of the deputation, consisting of Mr. Balvant Singh and Mr. Norain Singh, came accompanied by Mr. Nand Singh and saw Sir John Anderson. Sir J. Dunlop Smith and Sir H. Just were present.

Sir John Anderson began by explaining to Mr. Nand Singh that he was understood to be with the deputation as their interpreter and not as forming a member of it. The deputation were invited to explain what had taken place between themselves and the Canadian Government, and stated that Mr. Rogers had been interviewed by the Indians about a year ago, and had in December, 1911, informed them that he would consider their grievances, but that, in spite of repeated written communications to him, no success had been achieved. Mr. Balvant Singh admitted, however, that his family had been allowed to land at Vancouver and to rejoin him as an act of grace.

Sir John Anderson explained to the deputation that they had acted wrongly in going past the Dominion Government and coming to London to approach the Imperial Government without again seeking an interview with Mr. Rogers. He pointed out that, by the constitution of Canada, the power to deal with the matters in question had been placed in the hands of the Dominion Government and that, if the Imperial Government attempted to deal with their grievance in the circumstances they would be acting unconstitutionally.

They urged in reply that they had not sought a further interview with Mr. Rogers because their many communications in writing had had no effect.

It appeared, however, that they had not come specially to place their case before the Imperial Government, but were on their way to India, and had taken the opportunity afforded by their being in London to apply for an interview on the subject of their grievances.

14653

No. 107.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 22 May, 1913.

With reference to the letter from this Office of the 5th May,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copy of a despatch† which has been addressed to the

* No. 99.

† No. 106.

Officer Administering the Government of the Dominion of Canada, on the subject of the deputation to this country from the Sikh residents of British Columbia, together with copies of the correspondence referred to in the despatch, so far as it has not already been communicated to your Office.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

18380

No. 108.

THE LONDON CANADIAN-INDIAN IMMIGRATION COMMITTEE to
COLONIAL OFFICE.

(Received 31 May, 1913.)

[Answered by No. 112.]

SIR,

16, Trebovir Road, Earl's Court, S.W., 30th May, 1913.

At a public meeting convened by the London Canadian-Indian Immigration Committee at Caxton Hall, London, on the 14th instant, I was requested, as Chairman, to communicate for the information and favourable consideration of His Majesty's Principal Secretary of State for the Colonies the following resolution, which was unanimously passed at the meeting:—

"That, having heard the delegates from Canada, authorised by the British Indian residents there, to represent in England and India the case regarding prohibition against immigration resulting from the operation of Privy Council Order No. 920, generally known as the Continuous Journey Clause, this public meeting concludes that the order in question has practically the effect of preventing any single native or citizen of India from going to Canada, inasmuch as there is no direct passenger service between the two countries, and steamship companies refuse through booking: it not only stops immigration altogether from India to Canada, but has the effect of placing the present British Indian settlers in Canada to great hardship by precluding them from calling over their wives and children: that the order in question thus operates most unjustly towards the loyal Indian subjects of His Britannic Majesty, and that this meeting urges upon the Imperial, Canadian, and Indian authorities the advisability of repealing it, or exempting the people of India from its operation."

Copies of this resolution are forwarded also to His Majesty's Principal Secretary of State for India and the Canadian Government. I have to express the hope, on behalf of the meeting, that all the three authorities will concur in the conclusion that the order complained against has the effect of absolutely preventing the immigration of a single native of India into Canada, contrary to the practice in vogue before its enactment, and that its operation is particularly harsh towards those already settled there, in that it precludes their wives and children from joining them. It is scarcely likely that if this result of enforcing the order had been foreseen by the Canadian Government it would have been sanctioned; and now that it is demonstrated that it inflicts unmerited hardship upon British Indians already settled in Canada, and prevents any of His Majesty's British Indian subjects from going there, it is hoped that the three authorities to whom the meeting resolved to appeal will see the advisability of complying with the prayer with which the resolution above quoted concludes.

I have, &c.,

M. M. BHOWNAGGREE,
Chairman.

16276

No. 109.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 111.]

SIR, Downing Street, 31st May, 1913.
 WITH reference to the letter from this Office of the 22nd of May,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a despatch† from the Officer Administering the Government of Canada on the subject of Hindu immigration into the Dominion.

2. Mr. Harcourt will be glad to receive any observations which Lord Crewe has to offer upon the correspondence enclosed in this despatch.

3. In this connection I am to invite attention to the correspondence which passed between the Colonial Office and the India Office in 1907-8 with regard to the possibility of the adoption by the Government of India of a policy restricting Indian emigration to Canada by a system of passports on the analogy of the system which has been adopted by the Government of Japan. Mr. Harcourt is aware from the telegram from the Government of India of 22nd January, 1908, copy of which was enclosed in your letter of the 30th idem,‡ that the Government of India held that it was not then practicable to take any steps in this direction, but he would enquire whether this decision cannot be reconsidered in the light of the facts now reported.

I am, &c.,
 H. W. JUST.

18380

No. 110.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 111.]

SIR, Downing Street, 10 June, 1913.
 WITH reference to the letter from this Department of the 22nd May,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, a copy of a letter§ from the London Canadian-Indian Immigration Committee, communicating a resolution passed at a public meeting convened by the Committee on the 14th May on the subject of the Canadian Immigration Regulations.

2. Mr. Harcourt proposes, with his Lordship's concurrence, to reply that the matter is one primarily for the consideration of the Canadian Government, to whom, he observes, representations on the subject have been addressed, and to forward copies of the correspondence to the Canadian Government.

I am, &c.,
 H. W. JUST.

23958

No. 111.

INDIA OFFICE to COLONIAL OFFICE.

(Received 12 July, 1913.)

[Answered by No. 113.]

SIR, India Office, Whitehall, London, S.W., 11 July, 1913.
 I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letters of the 31st May (No. 16276) and of the 10th June (No. 18380), on the Canadian Immigration Regulations.

With regard to the latter, I am to express his Lordship's concurrence in the reply that Mr. Secretary Harcourt proposes to return to the London Canadian Indian Immigration Committee.

As regards the possibility of the adoption of a passport system in India, I am to enclose, for Mr. Harcourt's information, a copy of a despatch that is being sent

* No. 107. † No. 105. ‡ No. 78 in Dominions No. 3. § No. 108. || Nos. 109 and 110.

to the Government of India, and to suggest that, if he sees no objection, the Dominion Government might be consulted on the matter. The reply of the Government of India will be communicated to your Department in due course. The suggestion made would, of course, have no value unless the Dominion Government were prepared to admit the wives of respectable Indian residents, on being satisfied of their identity, subject to such conditions as they might consider necessary, which would probably involve some relaxation of the present Regulations.

I have, &c.,
 ED. S. MONTAGU.

Enclosure in No. 111.

(Public, No. 173.)

Mr Lord,

India Office, London, 11th July, 1913.

IN continuation of previous correspondence, I transmit, for the consideration of Your Excellency's Council, a copy of further papers* on British Indian immigration into the Dominion of Canada.

2. I shall be glad to have the observations of Your Excellency's Government on the suggestions made by the Secretary of State for the Colonies that you might find it possible to reconsider your position with regard to the issue of passports. In this connection I desire to invite your attention to the letter of the 5th March last from the Deputy Commissioner of Ferozepore to the Superintendent of Immigration at Vancouver. Your Excellency's Government will recognise that under present conditions it is most undesirable that the Canadian authorities should form the opinion, however erroneous, that emigration from India to Canada is receiving encouragement from officers of your Government, and I see serious objection to the inauguration by district officers on their own responsibility of direct correspondence of this character.

3. I would ask Your Excellency's Government to consider whether it might not be possible, without adopting a passport system, to assist the Dominion Government in obtaining full information as to intending immigrants, especially in the case of women. I understand that some apprehension is felt in British Columbia that a more generous policy as regards the admission of the wives of Indian residents might be abused by attempts to facilitate the entrance of women of indifferent character. If the Dominion Government saw fit to require any Indian resident who applied for the admission of his relatives to give on a prescribed form full particulars of identity, arrangements might be made for the verification in India of these forms, and cases of hardship would be averted if the applicant in Canada understood that his relatives should, before leaving India, provide themselves with full credentials in the form prescribed by the Dominion.

4. I recognise, of course, that it is for the Dominion Government to take the first step in this direction.

I have, &c.,
 CREWE.

To His Excellency
 the Right Honourable
 the Governor-General of India in Council.

23958

No. 112.

COLONIAL OFFICE to LONDON CANADIAN-INDIAN IMMIGRATION COMMITTEE.

SIR, Downing Street, 23 July, 1913.
 I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th May,† on the subject of Hindu immigration into the Dominion of Canada.

2. In reply, I am to inform you that the matter raised in your letter is one primarily for the consideration of the Canadian Government, to which, Mr. Harcourt

* Nos. 109, 110, 111, and 20330: not printed.

† No. 108.

observes, representations on the subject have been addressed direct. He is, however, forwarding a copy of this correspondence to the Officer Administering the Government of the Dominion, to be laid before his Ministers.

I am, &c.,
H. W. JUST.

23958

No. 113.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 114.]

SIR,

Downing Street, 23 July, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 11th July,* on the subject of the immigration of British Indians into Canada.

2. In reply, I am to transmit to you drafts of two despatches† which Mr. Harcourt proposes, with the concurrence of the Marquess of Crewe, to address to the Officer Administering the Government of Canada with regard to the matters dealt with in your letter. I am to explain that Mr. Harcourt considers that it is not desirable to make any enquiry of the Canadian Government as to their willingness to accept a general passport system until it is known whether the Government of India would be prepared to adopt such a system should it prove acceptable to the Dominion Government. The enquiry made of the Government of Canada has, therefore, been confined to an enquiry as to whether some step cannot be taken to facilitate the entering of the wives and children of such British Indians as have acquired Canadian domicile.

3. In agreeing to communicate with the Canadian Government on this subject, Mr. Harcourt has acted on the understanding that the Indian Government will accept the proposed arrangements as regards wives and children should it be approved by the Dominion Government.

4. I am at the same time to enclose a further despatch‡ from the Officer Administering the Government reporting the proceedings at a mass meeting of Hindus held at Vancouver on the 15th of June.

I am, &c.,
H. W. JUST.

27359

No. 114.

INDIA OFFICE to COLONIAL OFFICE.

(Received 8 August, 1913.)

[Answered by No. 117.]

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 7 August, 1913.

I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letter of the 23rd July, No. 23958,§ and in reply to state that he concurs in the terms of the two despatches that Mr. Secretary Harcourt proposes to address to the Dominion of Canada.

In this connection I am to enclose, for Mr. Harcourt's information, a copy of a letter and a telegram received from the Government of India with regard to the admission into the Dominion of the wives and children of resident Indians. Lord Crewe will be glad to learn whether Mr. Harcourt concurs in the draft of the telegram that it is proposed to send in answer to the Viceroy's telegram of the 23rd July.

I have, &c.,
T. W. HOLDERNESS.

* No. 111. † See Nos. 115 and 116. ‡ 24478: not printed. § No. 113.

Enclosure 1 in No. 114.

(Confidential.)

No. 34 of 1913.

GOVERNMENT OF INDIA: DEPARTMENT OF COMMERCE AND INDUSTRY: EMIGRATION.

MY LORD MARQUESS,

Simla, the 3rd July, 1913.

WE have the honour to refer to Mr. Ferard's letter, No. J. & P. 1835, dated the 23rd May, 1913, forwarding, for our information, copy of certain correspondence on the subject of Indian Immigration into Canada.

2. We note with satisfaction the assurance conveyed by the Dominion Government that temporary permits to British Indian subjects desiring to visit Canada will be issued in all proper cases, and we have no doubt that the discretion of the Minister of the Interior in this matter will be exercised with reasonable liberality. We are now in a position to make this assurance public should we be pressed for an announcement on the subject.

3. We regret that we cannot regard with equal satisfaction the attitude adopted by the Dominion Government towards the admission of the wives and minor children of British Indians resident in Canada. We are gratified, however, to observe that Your Lordship's representations on behalf of the cause which we urged in our despatch, No. 82, of the 19th December, 1912, have at least been partially successful, and that the Dominion Government have consented to waive the order requiring possession of 200 dollars in the case of wives and minor children of Indian residents who are in a position to receive and care for their family. This is, however, only one of the obstacles in the way of the admission of wives and children of resident Indians, and until the further requirement of continuous journey on a through ticket is also waived, we fear that the admission of wives and children will continue to be as effectually barred as though the concession relating to the possession of property had never been granted.

4. We have already expressed in our despatch of December last, our appreciation of the conciliatory and considerate attitude evinced by the Dominion Government in this matter; and we fully admit the reasonableness of the objections expressed in Mr. Borden's letter to His Excellency the Administrator to any proposal to exempt wives and children from the general provisions of the Immigration Act. We would, however, point out that we have made no request for such general exemption, but have merely urged the removal, in the case of wives and minor children of resident Indians, of those special restrictions which prevent their admission even when they do not fall within the classes of prohibited immigrants described in section 3 of the Act.

5. We therefore again earnestly request that the Dominion Government may be urged to waive also in favour of wives and children the second restriction imposed by the Order in Council of 1910, viz., the requirement of a continuous journey on a through ticket.

We have, &c.,

HARDINGE OF PENSHURST.
O'MOORE CREAGH.
HARCOURT BUTLER.
SAIYID ALI IMAM.
W. H. CLARK.
R. H. CRADDOCK.
E. D. MACLAGAN.
W. S. MEYER.

To

The Most Honourable the Marquess of Crewe, K.G.,
His Majesty's Secretary of State for India.

Enclosure 2 in No. 114.

TELEGRAM FROM THE VICEROY.

23rd July, 1913.

Question is to be asked by Hon. Mr. Banerjee in Imperial Legislative Council whether wives and families of Indians resident in Canada are debarred from joining them by reason of an Order in Council of the Dominion Government enjoining continuous journey. In answer we propose to say that while statement of effect of

Order is correct, we have more than once recently emphasised to you importance attached by us to withdrawal of provision as to continuous journey on through ticket being effected by the Dominion Government in favour of wives and minor children. To show that, by representations to Your Lordship, we have tried to protect interests of Indians resident in the Colonies, and to justify our position, is, in our opinion, essential. Have you any objection to offer?

Enclosure 3 in No. 114.

DRAFT TELEGRAM TO VICEROY.

Your telegram 23rd July. Indians in Canada. I concur in proposed answer in your Legislative Council, to which you might add that Secretary of State for Colonies is negotiating with Dominion Government as to possibility of facilitating entry of wives and children of Indians who have acquired Canadian domicile.

In despatch of 11th July I have suggested verification in India of particulars supplied to Dominion Government by resident Indians desirous of introducing family. Colonial Office are asking Canada whether system of this kind can be arranged.

23958

No. 115.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 13 August, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatches of the 19th April and 3rd July,* on the subject of the admission of the wives and children of British Indians now resident in Canada.

2. In reply, I have to transmit to you, to be laid before your Ministers, the accompanying copy of correspondence with the London Canadian-Indian Immigration Committee dealing with the position of British Indians under the existing regulations regarding immigration into Canada.

3. I shall be glad if you will invite the attention of your Ministers to the statement in the letter from the Immigration Committee of the 30th May† regarding the position of wives and children of British Indians domiciled in Canada, and if you will ascertain from them whether, in cases where British Indians have acquired Canadian domicile and have left their families in India and are able to show that they are in a position to receive and care for their families, it would not be possible to relax the existing regulations in favour of such families without any risk of the entering of women of indifferent character, if arrangements were made under which any Indian resident who applied for the admission of his relatives were required to give on a prescribed form full particulars of identity, and arrangements were made for the verification in India of these forms.

I have, &c.,

L. HARCOURT.

23958

No. 116.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR-GENERAL.

(Confidential (2).)

SIR,

Downing Street, 13 August, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch of the 30th April,‡ forwarding a report as to Hindu immigration into Canada.

2. In reply, I have to request you to inform your Ministers that your despatch has been communicated to the Secretary of State for India, who has called the attention of the Government of India to the fact that it is most undesirable that any

* No. 96 and 24478 : not printed.

† Nos. 108 and 112.

‡ No. 108.

§ No. 105.

steps should be taken which would give rise to the erroneous impression that immigration to Canada is encouraged by officers of the Indian Government. Lord Crewe at the same time has expressed the opinion that there is serious objection to the inauguration by district officers on their own responsibility of direct correspondence of the character of the letter forwarded with your despatch.

I have, &c.,

L. HARCOURT.

27359

No. 117.

COLONIAL OFFICE to INDIA OFFICE.

(Confidential.)

SIR,

Downing Street, 13 August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th of August,* and to request you to inform the Marquess of Crewe that the two despatches in which his Lordship expressed his concurrence have now been sent to the Officer Administering the Government of Canada.

2. With regard to paragraph 2 of your letter, I am to state that Mr. Harcourt concurs (subject to the substitution of the word "communicating" for "negotiating" in paragraph 1) in the draft of the telegram which Lord Crewe proposes to send in reply to the telegram from the Viceroy of India of the 23rd of July, dealing with the question of the admission into Canada of the wives and children of resident Indians.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

28496

No. 118.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.40 a.m., 16th August, 1913.)

TELEGRAM.

(Paraphrase.)

Information of a reliable character has reached my Ministers that Hindu agitators are making arrangements for a direct passenger service between Calcutta and Vancouver. Serious conditions would ensue if this should be accomplished, and it would probably be necessary to make drastic amendments to immigration regulations. The situation is set forth in minute which is under consideration of Council and is now communicated for your information:—

"The Committee of Privy Council have had under consideration a statement in the press to the effect that there is in contemplation the establishment of direct steamship communication from Calcutta to Vancouver, which, in their opinion, would undoubtedly result in the bringing into Canada in large numbers East Indians now excluded by provisions of our immigration regulations prohibiting the entry of immigrants into Dominion save (by) direct route from their country of origin. Committee view with great concern prospect of such an influx, which, they are convinced, would greatly arouse and even inflame public opinion in this country, and which it behoves those responsible for conduct of public affairs to avert by every means in their power. Mindful of their Imperial obligations, the Committee, at the same time, are most desirous not to advise the taking of any step which might cause embarrassment to His Majesty's Government in India or elsewhere, if such a course can be avoided. Before proceeding, therefore, with the consideration of measures best adapted to prevent such an irruption of Hindus as appears to be threatened, they desire to ascertain whether any restraining action on the part of the Government of India is possible and feasible. They would wish that Government might be impressed with a due sense of the gravity of

* No. 114.

situation which the establishment in any form, whether by means of regular service or by individual occasional boats, of such direct steamship communication would create, and of the paramount obligation resting upon Canadian Government to prevent an influx into this Dominion of a race unfitted by their constitutional temperament and habits for permanent residence in the country."

The Committee of Council advise that I should forward to you a copy of the minute, if approved, for the information of His Majesty's Government.—C. FITZPATRICK.

29062

No. 119.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20 August, 1913.)

[Answered by L.F. transmitting copy of No. 121.]

SIR,

Foreign Office, August 19, 1913.

I AM directed by Secretary Sir E. Grey to transmit, herewith, a cutting from the "Times" newspaper of the 12th instant, respecting the conditions surrounding the Japanese in British Columbia, in which it is stated that a movement has begun to secure legislation similar to that in California prohibiting the ownership of land by Chinese or Japanese.

Sir E. Grey would be glad to receive any information that Mr. Harcourt may possess on the subject.

I am, &c.,
A. LAW.

Enclosure in No. 119.

EXTRACT FROM "THE TIMES," AUGUST 12, 1913.

JAPANESE IN CANADA.

(From our own Correspondent.)

Toronto, August 11.

It is reported, but not on any official authority, that agents of Japan are inquiring into the conditions surrounding the Japanese in British Columbia. The Legislation of the Province now prohibits the use of Japanese labour in the log camps on the Government licensed timber limits and discriminates against the Japanese in the salmon fishings. A movement has also begun to secure legislation similar to that in California prohibiting the ownership of land by Chinese or Japanese.

28496

No. 120.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 123.]

SIR,

Downing Street, 19 August, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, with reference to the letter from this Department of the 13th August* and previous correspondence, paraphrase of a telegram† from the Officer Administering the Government of Canada communicating the views of his Ministers in regard to reports which have reached them to the effect that arrangements are being made for the establishment of a direct passenger service between Calcutta and Vancouver.

2. Mr. Harcourt has no doubt that Sir C. Fitzpatrick's message will receive the serious attention of Lord Crewe and the Indian Government, and he trusts that the Indian Government will be able to agree to negotiations being opened up with the Canadian Government for a settlement of the immigration question on the lines of the arrangement in force with Japan.

I am, &c.,
H. W. JUST.

* No. 117.

† No. 118.

29062

No. 121.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

[Copy to Foreign Office, 27 August, 1913. L.F.]

(Secret.)

SIR,

Downing Street, 27 August, 1913.

WITH reference to my Secret despatch of the 15th January last,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, an extract† from the "Times" of the 12th instant, regarding the position of Japanese in British Columbia, in which it is stated that a movement has begun to secure legislation in that Province similar to that in California prohibiting the ownership of land by Chinese or Japanese.

2. I shall be obliged if your Ministers will furnish me with any information that may be in their possession on the subject.

3. I shall also be glad if you will remind your Ministers that I have received no reply to my despatch above referred to, except as regards the Saskatchewan Act to prevent the employment of female labour in certain capacities.

I have, &c.,

L. HARCOURT.

31364

No. 122.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8 September, 1913.)

(No. 542.)

SIR,

Government House, Ottawa, 28 August, 1913.

I HAVE the honour to forward, herewith, for transmission to the India Office, a copy of a Minute of the Privy Council for Canada, dated 25th August, respecting the establishment of direct steamship communication between Calcutta and Vancouver.

I have, &c.,

C. FITZPATRICK,

Administrator.

Enclosure in No. 122.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 25TH AUGUST, 1913.

(P.C. 2218.)

The Committee of the Privy Council have had under consideration a statement which has recently appeared in the public Press to the effect that there is in contemplation the establishment of direct steamship communication between Calcutta and Vancouver, which, in their opinion, would undoubtedly result in the bringing into Canada, in large numbers, [of] East Indians, now practically excluded by the provision in our immigration regulations prohibiting the entry of immigrants into the Dominion save by direct route from their country of origin.

The Committee view with grave concern the prospect of such an influx, which they are convinced, would greatly arouse, and even inflame, public opinion in important portions of this country, and which it behoves those responsible for the conduct of public affairs to avert by every proper means in their power.

Mindful of their imperial obligations, the Committee, at the same time, are most desirous not to advise the taking of any steps which might cause embarrassment to His Majesty's Government, in India or elsewhere, if such course can be avoided. Before proceeding, therefore, with the consideration of measures best adapted to prevent such an influx of Hindus as appears to be threatened, they desire to ascertain whether any restraining action on the part of the Government of India is possible and feasible. They would wish that that Government might be impressed with a due sense of the gravity of the situation which the establishment in any form—whether by means of a regular service, or by individual and occasional boats—of such direct

* No. 82.

† Enclosure in No. 119.

steamship communication would create, and of the paramount obligation resting upon the Canadian Government to prevent any considerable immigration into this Dominion of a race unfitted alike by their constitution, temperament, and habits for permanent residence in the country.

The Committee advise that a copy of this Minute, if approved, be forwarded to the Secretary of State for the Colonies for the information of His Majesty's Government.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

31529

No. 123.

INDIA OFFICE to COLONIAL OFFICE.

(Received 9 September, 1913.)

[Answered by No. 125.]

SIR, India Office, Whitehall, London, S.W., 9th September, 1913.

I AM directed by the Marquess of Crewe to acknowledge the receipt of Sir H. Just's letter of the 19th ultimo, No. 28946,* a copy of which has been transmitted to the Government of India.

In the meantime telegraphic enquiry has been made as to the reported scheme for the establishment of direct steamship communication between India and Canada, and I am to transmit, for the information of Mr. Secretary Harcourt, a copy of the reply received. The papers to which reference is made by the Government of India are those transmitted to this Office with your Confidential memorandum of the 6th August, 1912, No. 23932.†

His Lordship is consulting the Government of India by telegram on the general question.

I have, &c.,
LIONEL ABRAHAMS.

Enclosure in No. 123.
TELEGRAM FROM VICEROY.

22nd August, 1913.

Your telegram of 16th instant. We have no information regarding the establishment of direct steamship communication between Calcutta and Vancouver beyond that contained in papers forwarded with India Office letter, No. J. & P. 2932, dated 9th August, 1912. Have consulted Government of Bengal.

30025

No. 124.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

[Copy to Foreign Office and India Office, 25 September, 1913. L.F.]

[Answered by No. 137.]

(Secret.)

SIR, Downing Street, 20 September, 1913.

I HAVE the honour to acknowledge the receipt of your despatch, No. 517, of the 19th August,‡ forwarding copies of the Statutes of the Legislative Assembly of Manitoba for the year 1913.

2. My attention has been called to the provisions of Chapter 19 of the Statutes, which forbid the employment in any capacity of any white woman or girl, or the permitting any white woman or girl to reside or lodge in or to frequent any restaurant, laundry, or any other place of business owned, kept, or managed by any Chinese, Japanese, or any other Oriental person.

* No. 120.

† Not printed.

‡ 30025: not printed.

3. Your Ministers are aware from previous correspondence, terminating with my Secret despatch of the 17th February last,* of the exception taken by His Majesty's Government in respect of British Indian subjects, and by the Japanese Government in respect of Japanese subjects, to legislation differentiating against such persons by name, and I presume that, as in the case of the Saskatchewan Act, Chapter 17 of 1912, steps will be taken by your Ministers to secure the amendment of the measure, which, I observe, is not to come into force until proclaimed by the Lieutenant-Governor in Council.

I have, &c.,
L. HARCOURT.

31364

No. 125.

COLONIAL OFFICE to INDIA OFFICE.

Downing Street, 22 September, 1913.

SIR,

WITH reference to your letter of the 9th instant,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, a copy of a despatch‡ from the Officer Administering the Government of Canada, forwarding an approved minute of the Privy Council for Canada relative to the reported scheme for the establishment of direct steamship communication between India and Canada.

2. Mr. Harcourt notes that Lord Crewe is consulting the Indian Government by telegram on the general question of emigration to Canada.

I am, &c.,
H. W. JUST.

35965

No. 126.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.15 a.m., 17th October, 1913.)

TELEGRAM.

[Answered by No. 133.]

(Paraphrase.)

My Government desire me to call attention to the Orders in Council of the 25th August and the 22nd September with regard to the threatened influx of Hindus, which is still imminent. It is proposed to add following amendment to the existing immigration regulations:—

"From and after this day until the 31st of March, 1914, landing at any port of entry in British Columbia shall be and the same is hereby prohibited of any immigrant of the artisan classification and of general or unskilled labour classification, provided, however, that the [Commissioner of] Immigration may, notwithstanding anything herein contained, exempt any immigrant from the foregoing if he is satisfied that the labour conditions in British Columbia or of any part thereof have so altered as to ensure that permanent employment can be obtained for such immigrant, or that his trade or profession is such as will ensure his permanent employment without in any way adding to the congestion of the labour market in British Columbia."

Having regard to the confidential arrangement with the Japanese Government for the restriction of Japanese immigration into Canada, it is desired that the necessity for the above-mentioned regulation should be explained to the Japanese Government. The labour conditions will be very severe in British Columbia during the coming winter, and the situation is, beyond doubt, urgent. It might also be pointed out to the Japanese Government that such a regulation must be couched in general terms, and that no exemption can be made of Japanese subjects. My Ministers trust that the Japanese Government will not regard the regulation as affecting the confidential arrangement which has been mentioned above. A proper explanation of the situation might also, if His Majesty's Government consider it desirable, be made to the Government of India.—FITZPATRICK.

* No. 87.

† No. 123.

‡ No. 122.

35965

No. 127.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 131.]

SIR,

Downing Street, 18 October, 1913.

WITH reference to the letter from this Office of the 22nd of September,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a telegram† which has been received from the Officer Administering the Government of Canada, on the subject of the proposed issue of a new regulation restricting immigration into British Columbia up to the 31st of March next. The Minute of Council of 22nd September to which reference is made in this telegram has not yet been received by the Secretary of State.

2. Mr. Harcourt would suggest that a suitable explanation of the position in British Columbia should be made to the Government of India.

3. Mr. Harcourt proposes to inform the Officer Administering the Government of Canada, in reply to his telegram, that His Majesty's Government are explaining the position to the Government of India.

4. A similar letter has been addressed to the Foreign Office as regards emigration from Japan.

I am, &c.,

H. J. READ,

for the Under-Secretary of State.

35965

No. 128.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 132.]

SIR,

Downing Street, 18 October, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of a telegram† which has been received from the Officer Administering the Government of Canada, on the subject of the proposed issue of a new regulation restricting immigration into British Columbia up to the 31st of March next. The Minute of Council of 22nd September to which reference is made in this telegram has not yet been received by the Secretary of State. A copy of the minute of 25th August‡ is also enclosed.

2. Mr. Harcourt would suggest that His Majesty's Ambassador at Tokio should be instructed to make an explanation to the Japanese Government in the sense of Sir C. Fitzpatrick's telegram.

3. Mr. Harcourt proposes to inform the Officer Administering the Government of Canada, in reply to his telegram, that His Majesty's Government are explaining the position to the Japanese Government.

4. A similar letter has been addressed to the India Office as regards emigration from India.

I am, &c.,

H. J. READ,

for the Under-Secretary of State.

36272

No. 129.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20 October, 1913.)

[Answered by No. 146.]

(Confidential.)

SIR,

Ottawa, 9th October, 1913.

WITH reference to your Confidential despatch of the 13th August,§ on the question of the admission, under the Canadian Immigration Act, of the wives and

* No. 125.

† No. 126.

‡ Enclosure in No. 122.

§ No. 115.

children of British Indians now resident in Canada, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada, stating that there is no special regulation applying to British Indians, or applied by the Department of the Interior to these people in a different way to which it is applied to all others. My responsible advisers feel, therefore, that it would not be in the public interests to waive the provisions of the "continuous journey" regulation in favour of the people referred to in your despatch.

I am also enclosing a copy of a leading article* from the Montreal "Gazette" on what is really a parallel question. The Montreal "Gazette" is a most moderate and sane paper, and its views have probably more influence than those of any other paper in Canada.

I have, &c.,

C. FITZPATRICK,

Administrator.

Enclosure in No. 129.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 27TH SEPTEMBER, 1913.

(P.C. 2448.)

The Committee of the Privy Council have had before them a report, dated 22nd September, 1913, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a confidential despatch, dated 13th August, 1913, from the Right Honourable the Principal Secretary of State for the Colonies, enquiring whether it would be possible in the case of wives and children of British East Indians domiciled in Canada to relax the existing immigration regulations in favour of such families.

The Minister observes that there is no special regulation applying to British Indians or applied by the Department of the Interior to these people in a different way to which it is applied to all others; that the attitude of the Department is that Asiatic immigration as a whole is not suited to this country and, under the circumstances, it is not felt that the "continuous journey" regulation could be relaxed in their favour, while it remains applicable to Europeans, Africans, and all others. It is for this reason that it is not felt that it would be in the public interest to waive the provisions of this regulation in favour of the class of persons referred to in Mr. Harcourt's despatch.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

F. K. BENNETTS,

Assistant Clerk of the Privy Council.

37073

No. 130.

INDIA OFFICE to COLONIAL OFFICE.

(Received 27 October, 1913.)

[Answered by No. 134.]

(Confidential.)

India Office, Whitehall, London, S.W.,

27 October, 1913.

SIR,

IN continuance of Mr. Abrahams's letter of the 9th ultimo,† I am directed by the Marquess of Crewe to transmit, for the consideration of Mr. Secretary Harcourt, a copy of further communications received from the Government of India on the

* Not reprinted.

† No. 123.

subject of immigration into the Dominion of Canada. His Lordship would suggest that, if Mr. Harcourt sees no objection, these papers might be confidentially communicated to the Dominion Government.

If that Government decide to require resident Indians to furnish full particulars as to the relatives whom they wish to introduce, the offer of co-operation made by the Government of India should suffice to preclude any abuse of the concession, while, as the Government of India suggest, the waiver, in the case of wives and children, of the direct passage regulation would remove one motive for establishing direct steamship communication.

I am to enquire whether any further information can be obtained from Canada as to the reported scheme for the establishment of such communication.

I have, &c.,

T. W. HOLDERNESS.

Enclosure 1 in No. 130.

(No. 59 of 1913.)

GOVERNMENT OF INDIA: DEPARTMENT OF COMMERCE AND INDUSTRY: EMIGRATION.

MY LORD MARQUESS,

Simla, the 18th September, 1913.

We have the honour to acknowledge the receipt of your Lordship's despatch, No. 173 (Public), dated the 11th July, 1913, and enclosures, on the subject of British Indian immigration into the Dominion of Canada.

2. With reference to paragraph 2 of the despatch, we have received a copy of a letter from the Deputy Commissioner of Ferozepore to the Commissioner of the Jullundur Division explaining the circumstances in which he entered into direct correspondence with the Canadian authorities. We would add that the irregularity of his action in addressing the Superintendent of Immigration at Vancouver direct has been pointed out to Mr. Bosworth-Smith by the Government of the Punjab, and that the issue of certificates of identity to intending emigrants to Canada has been prohibited for the future.

3. We have carefully considered the suggestion contained in paragraph 3 of the despatch. We see no objection in principle to assisting the Dominion Government to obtain information as to intending emigrants, and if that Government saw fit to require an Indian resident, who applied for the admission of his relatives, to furnish on a prescribed form full particulars of identity, we should be glad to make the necessary arrangements for the verification in India of these forms. This arrangement, it will be observed, differs from the passport system to which the Government of India objected in 1907-08, in that, since only a limited number of passports was to be issued under that system, it virtually required the Government of India to assist in restricting emigration to Canada. Our objections to any such system, which would identify us with the policy of restriction upon immigration which Colonial Governments have found themselves compelled to adopt, remain undiminished.

4. We would observe that the report of the debates of the 2nd January in the Senate at Ottawa, while furnishing gratifying evidence of a generous appreciation of the Indian claims to admission to Canada, shows a misunderstanding of the scope of the law in India concerning emigration as well as of the attitude of the Government of India towards Indian emigration to the Dominion. An instance of such misapprehension is furnished in Mr. Longheed's statement that "the attention of the Colonial Government was directed to the fact that notwithstanding the Indian law touching emigration they were coming to this country, and the Indian Government took up the question with a view to stopping the influx into Canada." As your Lordship is aware, we have consistently refused to prohibit or control free emigration from this country. The Indian Emigration Act deals only with indentured emigration, and we have no legal power to prevent emigrants from proceeding to Canada otherwise than under indenture. We have certainly discouraged emigration to Canada by informing intending emigrants of the difficulties which they are likely to experience, but these warnings were issued solely in the interests of

would-be emigrants themselves, the Dominion Government having made it clear that they did not regard Indian immigration with favour, and having taken steps to render such immigration practically impossible.

We have, &c.,

HARDINGE OF PENSHURST.
O'MOORE CREAGH.
HARCOURT BUTLER.
SAIYID ALI IMAM.
W. H. CLARK.
R. H. CRADDOCK.
W. S. MEYER.
E. D. MACLAGAN.

To the Most Honourable
the Marquess of Crewe, K.G.,
His Majesty's Secretary of State for India.

Enclosure 2 in No. 130.

TELEGRAM from VICEROY, 24th September, 1913.

P.—Emigration to the Dominion of Canada. Your telegram dated 17th September. Regarding the arrangement between the Japanese and Dominion Governments, we have no detailed information, but understand that an agreement by the former to the number of Japanese emigrants to Canada being definitely restricted is involved. Assuming this to be correct, we regret that, after carefully weighing considerations mentioned in your telegram, modification of our opinions expressed in telegrams of 1908 (22nd January and 30th March), and repeated in a letter which issued on the 18th instant, does not appear to us to be justified. Feeling in India is, owing to the Immigration Act of South Africa, at present particularly high, and our acceptance of a passport or any similar system with the restriction of free emigration as its object would, we are convinced, raise a storm of indignation throughout the country. Any restriction of free emigration would require legislation, and an attempt to introduce such legislation would encounter bitter opposition on the part of the Legislative Council, and would be deeply resented. We must, therefore, regretfully decline to negotiate on the basis suggested. We have affirmed in the above-mentioned letter, dated the 18th September, that to assisting the Government of Canada to obtain particulars regarding intending emigrants we see no objection in principle, and we should be glad to arrange to verify in India prescribed forms giving full particulars of identity, if the Dominion Government saw fit to require the production of such a form in cases of applications from Indian residents for the admittance of their relations. An important motive for the establishment of direct steamer service would be removed if the Dominion Government were to accept these proposals, and waive, so far as children and wives of domiciled Indians are concerned, the order enjoining continuous journey. We suggest that the Government of Canada might, with advantage, communicate to us any information they may have as to any proposal to institute a direct steamship service: we, ourselves, have no information on the subject.

37208

No. 131.

INDIA OFFICE to COLONIAL OFFICE.

(Received 28 October, 1913.)

SIR,

India Office, Whitehall, London, S.W., 28 October, 1913.

In reply to Mr. Read's letter of the 18th instant, No. 35965,* I am directed by the Marquess of Crewe to state, for the information of Mr. Secretary Harcourt, that a communication in the sense desired has been made to the Government of India.

I have, &c.,

T. W. HOLDERNESS.

* No. 127.

37675

No. 132.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 31 October, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a telegram to His Majesty's Ambassador at Tokio, No. 57, dated October 29, 1913, respecting immigration into British Columbia. Reference to previous letter: Colonial Office, October 18, 1913 (35965).*

Foreign Office,
October 31, 1913.

Enclosure in No. 132.

Sir EDWARD GREY to Sir C. GREENE (Tokio).

(No. 57 R.)

Foreign Office, October 29, 1913, 5.55 p.m.

As a result of threatened influx of Hindus from India into British Columbia, the Canadian Government are about to amend the existing immigration regulations and to prohibit until 31st March, 1914, the landing of any immigrant of either artisan or general or unskilled labour classification. Exemption may be made if the labour conditions so alter as to ensure permanent employment for the immigrant, or if the latter's trade is such as will ensure permanent employment without in any way adding to the congestion of the labour market. The regulation will necessarily be couched in general terms, and consequently no special exception can be made in favour of Japanese.

Canadian Government point out that the labour conditions will be very severe in British Columbia this winter and that the situation is urgent. They desire that the necessity for this regulation should be explained to the Japanese Government, and they trust that the latter will not regard it as affecting the confidential arrangement between the two Governments for the restriction of Japanese immigration into Canada.

You should make necessary explanation to the Minister for Foreign Affairs.

37675

No. 133.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.45 p.m., 3rd November, 1913.)

TELEGRAM.

Your telegram 16th October.† Governments of Japan and India are being informed accordingly. Have not yet received Order in Council 22nd September. Please send copies by mail, and keep me fully informed.—HARCOURT.

37073

No. 134.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by Nos. 140 and 145.]

Sir,

Downing Street, 5 November, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th October,‡ on the subject of immigration from India into the Dominion of Canada.

2. In reply, I am to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a despatch§ from the Officer Administering the Government of Canada, from which it will be seen that the Dominion Government are not

* No. 128.

† No. 126.

‡ No. 130.

§ No. 129.

prepared to make any concessions for facilitating the admission to Canada of the wives and children of British Indians who are domiciled in the Dominion.

3. Mr. Harcourt is prepared, however, to communicate to the Governor-General a copy of the despatch from the Government of India of the 18th September,* expressing the views of the Government of India on the question of immigration, but before doing so he will be glad to learn whether, in view of the despatch of which a copy is enclosed in this letter, the Marquess of Crewe has any further observations to make for communication to the Government of the Dominion. Mr. Harcourt doubts whether it is desirable to communicate a copy of the telegram† from the Government of India, as the Canadian Government have not been informed of the suggestion which he put forward for the reconsideration of the attitude of the Government of India as to the conclusion with the Dominion Government of an arrangement on the lines of that in force between the Dominion Government and the Government of Japan. In sending out a copy of the despatch, however, he would propose, with the concurrence of the Marquess of Crewe, to add, with reference to the third paragraph of the despatch, that feeling in India is, owing to the South African Immigration Act, at present particularly high, and the acceptance by the Indian Government of a passport or any similar system, with the restriction of free immigration as its object, would raise a storm of indignation throughout the country, and that any restriction on free emigration would require legislation which would be bitterly opposed in the Legislative Council, and would be deeply resented.

4. At the same time, Mr. Harcourt would propose to ask the Dominion Government whether they can supply any further information as to the reported scheme for the establishment of direct communication between India and the Dominion:

I am, &c.,

H. W. JUST.

38931

No. 135.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 November, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith a paraphrase of a telegram from His Majesty's Ambassador at Tokio, No. 111, dated November 6th, 1913, respecting immigration into British Columbia.

Reference to previous letter: To Colonial Office, October 31st, 1913.‡

Foreign Office,

November 10, 1913.

Enclosure in No. 135.

TELEGRAM from Sir C. GREENE (Tokio).

(Paraphrase.)

6th November, 1913.

No. 111. Japanese Immigration into Canada. Your telegram, No. 57, of October 29th.

In acknowledging my communication the Minister for Foreign Affairs has expressed the pleasure of his Government at the fact that no change is contemplated, under the projected measure, in the understanding which now exists on the subject between the Canadian and Japanese Governments.

38931

No. 136.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

Sir,

Downing Street, 12 November, 1913.

WITH reference to Your Royal Highness's telegram of the 4th instant,§ I

* Enclosure 1 in No. 130.

† Enclosure 2 in No. 130.

‡ No. 132.

§ 38128: not printed.

have the honour to transmit to you, for the information of your Ministers, a paraphrase of a telegram* from His Majesty's Ambassador at Tokio, relative to the proposed amendment of the regulations governing immigration into Canada.

I have, &c.,
L. HARCOURT.

39601

No. 137.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17 November, 1913.)

[Copies to Foreign Office and India Office, 22 November, 1913. L.F.]

[Answered by No. 139.]

(Secret.)

SIR, Government House, Ottawa, 5th November, 1913.
I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of External Affairs, dated 3rd November, 1913, respecting provisions of Chapter 19 of the Statutes of Manitoba which discriminated by name against Chinese, Japanese and other Oriental persons.

I have, &c.,
ARTHUR.

Reference to previous despatch: Colonial Office, Secret, 20 September.†

Enclosure in No. 137.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

(Secret.)

SIR, Ottawa, 3rd November, 1913.
WITH reference to the Secret despatch to the Administrator of the Government from the Secretary of State for the Colonies, dated 20th September last, calling attention to the provisions of Chapter 19 of the Statutes of Manitoba for the year 1913, which discriminated by name against Chinese, Japanese and other Oriental persons, I have the honour to state that the Lieutenant-Governor of Manitoba, to whose attention the purport of Mr. Harcourt's despatch was brought, has reported that it is not the intention of his Government to bring the Act referred to into force in its present form, and that if it is decided to introduce legislation to amend the said Act it will take the form of that passed by the Saskatchewan Government and will not refer to any people by name.

I am to suggest that His Royal Highness be humbly moved to inform Mr. Harcourt in the sense of the foregoing.

I have, &c.,
W. H. WALKER,
Acting Under-Secretary of State
for External Affairs.

40299

No. 138.

CHAIRMAN OF MEETING OF HINDUSTANIS AT VANCOUVER to THE SECRETARY OF STATE FOR INDIA.

(Received in Colonial Office, 22 November, 1913.)

TELEGRAM.

(F D — 126 Vancouver, B.C. 38.)

14th November, 1913. Lord Crewe, Secretary of State for India, London.
Mass meeting Hindustanis assembled Victoria, Vancouver, respectfully urge you

* Enclosure in No. 135.

† No. 124.

request Canadian Government stop deportation thirty-nine Sikhs detained Victoria, grant admission Canada; regulations claimed *ultra vires*.—RAJAH SINGH, Chairman; KATAR SINGH, Secretary.

39601

No. 139.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copies to Foreign Office and India Office, 22 November, 1913. L.F.F.]

(Secret.)

Downing Street, 22 November, 1913.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Secret despatch of the 5th November,* on the subject of Chapter 19 of the Statutes of Manitoba for 1913.

2. I have learned with much satisfaction that the Government of Manitoba do not intend to bring this Act into force in its present form, and that if it should be decided to introduce legislation to amend the Act, it will take the form of that passed by the Legislature of Saskatchewan and will not refer to any people by name.

I have, &c.,
L. HARCOURT.

40530

No. 140.

INDIA OFFICE to COLONIAL OFFICE.

(Received 25 November, 1913.)

[Answered by No. 143.]

SIR,

India Office, Whitehall, London, S.W., 24th November, 1913.

WITH reference to Sir H. Just's letter of the 5th instant, No. 37073,† which will be answered very shortly, I am directed by the Marquess of Crewe to enquire whether Mr. Secretary Harcourt has any information as to the reported deportation from Victoria, British Columbia, of a "Hindu" (presumably Sikh) priest by the Immigration Authorities in spite of the issue by a court of a writ of *habeas corpus*.

I am further to enquire whether anything is known as to the case of 39 Sikhs said to be detained at Victoria. A copy of a telegram‡ from an Indian meeting at Vancouver has already been communicated to your Department.

I have, &c.,
T. W. HOLDERNESS.

40778

No. 141.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26 November, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Tokio, No. 291, dated November 8, 1913, respecting the Canadian immigration regulations.

Foreign Office.

November 25, 1913.

Enclosure in No. 141.

(No. 291.)

SIR,

British Embassy, Tokyo, November 8th, 1913.

On the receipt of your telegram, No. 57, of the 29th ultimo, on the subject of

* No. 137.

† No. 134.

‡ No. 135.

a proposed amendment of the existing Canadian immigration regulations, I handed Baron Makino a paraphrase of your message, and was careful to explain to His Excellency the reasons which had dictated this measure, and to express the hope that the Imperial Government would not regard the latter as affecting the existing arrangement between the two Governments for the restriction of Japanese immigration into Canada.

Baron Makino informed me, in reply, that he must have time to study the question, and has since sent me the memorandum, dated the 6th instant, of which a copy is enclosed, in which His Excellency takes note of the announcement I had made to him, and adds that the Imperial Government are glad to know that the projected measure does not contemplate any modification of the arrangement between the two countries above referred to.

I have, &c.,
CONYNGHAM GREENE.

The Right Honourable
Sir E. Grey, Bart., K.G.,
&c., &c., &c.

His Imperial Majesty's Minister for Foreign Affairs presents his compliments to His Excellency His Britannic Majesty's Ambassador and has the honour to acknowledge the receipt of His Excellency's Aide-Mémoire of the 1st instant, announcing that, as a result of a threatened influx of Hindus from India into British Columbia, the Canadian Government are about to amend the existing immigration regulations so as to prohibit, until the 31st March, 1914, the landing of any immigrant of either the artisan or the general or unskilled labour classification, and adding that the regulation will necessarily be couched in general terms, and that it will, consequently, not be possible to make any exception in favour of Japanese immigrants, but that the Canadian Government trust the Imperial Government will not regard the prohibition as affecting the arrangement between the two Governments for the restriction of Japanese immigration into Canada.

Baron Makino, in reply, begs to say that the Imperial Government, in taking note of the above announcement, are glad to know that the projected measure does not contemplate any modification of the existing understanding between the Japanese and Canadian Governments on the subject of Japanese immigration.

The Gaimusho,
November 6th, 1913.

40530

No. 142.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 26 November, 1913.
WITH reference to my telegram of the 3rd of November,* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a telegram† which has been received by the Secretary of State for India from a meeting of Hindustanis at Vancouver, regarding the deportation of thirty-nine Sikhs stated to have been detained at Victoria.

2. I shall be glad if your Ministers will cause the Chairman of the meeting to be informed that his telegram has been received by the Secretary of State for India, but that the matter is not one in which he can take action, as the question of the admission of these Sikhs is one for the decision of the Government or the Courts of the Dominion.

* No. 133.

† No. 133.

3. At the same time, I have to request that your Ministers will be so good as to furnish me with a report on the case of these Sikhs, which appears to have formed the subject of legal proceedings in British Columbia.

I have, &c.,
L. HARCOURT.

40530

No. 143.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 26 November, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th of November,* enquiring as to the reported deportation from Victoria, British Columbia, of a "Hindu" priest by the Immigration Authorities, and also as to the case of thirty-nine Sikhs said to be detained at Victoria.

2. In reply I am to request you to inform the Marquess of Crewe that Mr. Harcourt has no information on either subject beyond what has appeared in the public Press (see the "Times" of November 22nd and the "Morning Post" of November 25th).

3. I am at the same time to enclose, for the information of the Marquess of Crewe, the accompanying copy of a despatch† which has been addressed to the Governor-General of the Dominion, with regard to the telegram‡ from certain Sikhs at Vancouver, a copy of which was enclosed in your note of the 22nd instant.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

40778

No. 144.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 28 November, 1913.

WITH reference to my Confidential despatch of the 12th of November,§ I have the honour to transmit to Your Royal Highness, for the information of your Ministers, the accompanying copy of a despatch|| from His Majesty's Ambassador at Tokio, on the subject of the new regulations regarding the landing of immigrants in British Columbia.

I have, &c.,
L. HARCOURT.

42611

No. 145.

INDIA OFFICE to COLONIAL OFFICE.

(Received 10th December, 1913.)

[Answered by No. 148.]

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 9th December, 1913.

WITH reference to Sir H. Just's letter of the 5th ultimo, No. 37073,¶ on the subject of Indian immigration into Canada, I am directed by the Marquess of Crewe to express his concurrence in the terms of the communication which Mr. Secretary Harcourt proposes to address to the Dominion Government.

His Lordship cannot but regret the decision to make no concession as regards the admission of the wives of Indians who are already resident in British Columbia,

* No. 140. † No. 142. ‡ No. 138. § No. 136. || Enclosure in No. 141. ¶ No. 134.

and this for three reasons. In the first place, the particular use made of the regulation cannot but excite indignation, and while he fully recognises that in form the Dominion was asked to apply specially favourable differential treatment to female Indian immigrants, it is matter of common knowledge that in fact the regulations as to direct passage prevent the entry of the wives of resident Indians, but have no such effect in the case of other races. The suggestion of a special concession to the families of resident Indians was not offered with any idea that the direct passage regulation should be relaxed as regards new immigrants from India who were not the dependants of persons already in British Columbia.

Secondly, the objections taken on moral grounds in certain quarters to the presence of Indians in Canada, whether they are or are not well-founded, would obviously be to some extent met by the admission of the families of Indians resident in the Dominion.

Thirdly, the situation produced in India by events in South Africa is, as Mr. Harcourt is aware, already so grave that any decision which may extend and exacerbate Indian popular feeling against any other portions of the Empire must add to the anxiety caused by the existing position.

I have, &c.,
T. W. HOLDERNESS.

42611

No. 146.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(Confidential.)

SIR,

Downing Street, 17th December, 1913.

I HAVE the honour to acknowledge the receipt of Sir Charles Fitzpatrick's confidential despatch of the 9th of October,* with regard to the admission into Canada of the wives and children of British Indians now resident in the Dominion.

2. I now transmit to your Royal Highness, to be laid before your Ministers, the accompanying copy of a despatch† from the Government of India on the subject of the general question of British Indian immigration into the Dominion of Canada.

3. With reference to the third paragraph of this despatch, I shall be glad if you will explain to your Ministers that feeling in India is, owing to the position of affairs in South Africa, at present particularly high, and the acceptance by the Indian Government of a passport or any similar system, with the restriction of free immigration as its object, would raise a storm of indignation throughout the country, and that any restriction on free immigration would require legislation which would be bitterly opposed in the Legislative Council, and would be deeply resented.

4. At the same time I shall be glad to learn whether your Ministers have received any further information as to the statement that it is contemplated to establish direct steamship communication between Calcutta and Vancouver, which was reported in your telegram of the 16th of August.‡ The Government of India has been unable to obtain any information as to this project.

I have, &c.,
L. HARCOURT.

42611

No. 147.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(Secret.)

SIR,

Downing Street, 17th December, 1913.

WITH reference to my confidential despatch of even date,§ on the subject of Indian immigration into Canada, I have the honour to transmit to Your Royal

* No. 129.

† Enclosure in No. 130.

‡ No. 118.

§ No. 146.

Highness the accompanying copy of a letter* from the India Office, in which attention is drawn to the considerations which had induced the Secretary of State for India to hope that it would have been found possible by your Government to take such steps as would remove the difficulty felt with regard to the introduction into the Dominion of the wives and children of British Indians already resident in Canada.

2. I shall be glad if you will take a convenient opportunity of explaining to your Ministers the views expressed by the Secretary of State for India.

I have, &c.,
L. HARCOURT.

42611

No. 148.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 17th December, 1913.

IN reply to your letter of the 9th of December,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copies of despatches† which have been addressed to the Governor-General of the Dominion of Canada; on the subject of British Indian immigration into the Dominion.

I am, &c.,
H. W. JUST.

44236

No. 149.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 December, 1913.)

[Answered by 44236 in Dominions No. 55.]

SIR,

Foreign Office, December 23, 1913.

I AM directed by Secretary Sir E. Grey to transmit to you, herewith, copy of a despatch which he has addressed to His Majesty's Ambassador at Tokyo, regarding the revised Regulations governing immigration into British Columbia.

Since leaving the memorandum enclosed in that despatch the Japanese Ambassador called again at this Office and stated that the difficulty had been satisfactorily settled. He expressed his gratitude for what had been done in the matter, and requested that, if no communication had yet been made to the Colony, steps might be taken to stop it.

I am, &c.,
W. LANGLEY.

Enclosure in No. 149.

(No. 170.)

SIR,

Foreign Office, 13th December, 1913.

THE Japanese Ambassador spoke to me to-day in the sense of the telegram from the Japanese Government of which a copy is herewith enclosed, respecting the prohibition of immigration by British Columbia. He proceeded to add that, as the Ordinance was to be promulgated to-day, his communication could not affect the promulgation, but the Japanese Government would ask that the Ordinance should be administered so as to observe the spirit of the Lemieux Regulations. It was a pity that a proviso could not have been inserted in the Ordinance exempting people who came in under the Lemieux Regulations. The number of Japanese immigrants

* No. 145.

† Nos. 146 and 147.

and this for three reasons. In the first place, the particular use made of the regulation cannot but excite indignation, and while he fully recognises that in form the Dominion was asked to apply specially favourable differential treatment to female Indian immigrants, it is matter of common knowledge that in fact the regulations as to direct passage prevent the entry of the wives of resident Indians, but have no such effect in the case of other races. The suggestion of a special concession to the families of resident Indians was not offered with any idea that the direct passage regulation should be relaxed as regards new immigrants from India who were not the dependants of persons already in British Columbia.

Secondly, the objections taken on moral grounds in certain quarters to the presence of Indians in Canada, whether they are or are not well-founded, would obviously be to some extent met by the admission of the families of Indians resident in the Dominion.

Thirdly, the situation produced in India by events in South Africa is, as Mr. Harcourt is aware, already so grave that any decision which may extend and exacerbate Indian popular feeling against any other portions of the Empire must add to the anxiety caused by the existing position.

I have, &c.,
T. W. HOLDERNESS.

42611

No. 146.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(Confidential.)

SIR, Downing Street, 17th December, 1913.
I HAVE the honour to acknowledge the receipt of Sir Charles Fitzpatrick's confidential despatch of the 9th of October,* with regard to the admission into Canada of the wives and children of British Indians now resident in the Dominion.

2. I now transmit to your Royal Highness, to be laid before your Ministers, the accompanying copy of a despatch† from the Government of India on the subject of the general question of British Indian immigration into the Dominion of Canada.

3. With reference to the third paragraph of this despatch, I shall be glad if you will explain to your Ministers that feeling in India is, owing to the position of affairs in South Africa, at present particularly high, and the acceptance by the Indian Government of a passport or any similar system, with the restriction of free immigration as its object, would raise a storm of indignation throughout the country, and that any restriction on free immigration would require legislation which would be bitterly opposed in the Legislative Council, and would be deeply resented.

4. At the same time I shall be glad to learn whether your Ministers have received any further information as to the statement that it is contemplated to establish direct steamship communication between Calcutta and Vancouver, which was reported in your telegram of the 16th of August.‡ The Government of India has been unable to obtain any information as to this project.

I have, &c.,
L. HARCOURT.

42611

No. 147.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.
(Secret.)

SIR, Downing Street, 17th December, 1913.
WITH reference to my confidential despatch of even date,§ on the subject of Indian immigration into Canada, I have the honour to transmit to Your Royal

* No. 129.

† Enclosure in No. 130.

‡ No. 118.

§ No. 146.

Highness the accompanying copy of a letter* from the India Office, in which attention is drawn to the considerations which had induced the Secretary of State for India to hope that it would have been found possible by your Government to take such steps as would remove the difficulty felt with regard to the introduction into the Dominion of the wives and children of British Indians already resident in Canada.

2. I shall be glad if you will take a convenient opportunity of explaining to your Ministers the views expressed by the Secretary of State for India.

I have, &c.,
L. HARCOURT.

42611

No. 148.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 17th December, 1913.
IN reply to your letter of the 9th of December,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copies of despatches† which have been addressed to the Governor-General of the Dominion of Canada, on the subject of British Indian immigration into the Dominion.

I am, &c.,
H. W. JUST.

44236

No. 149.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 December, 1913.)

[Answered by 44236 in Dominions No. 55.]

SIR, Foreign Office, December 23, 1913.
I AM directed by Secretary Sir E. Grey to transmit to you, herewith, copy of a despatch which he has addressed to His Majesty's Ambassador at Tokyo, regarding the revised Regulations governing immigration into British Columbia.

Since leaving the memorandum enclosed in that despatch the Japanese Ambassador called again at this Office and stated that the difficulty had been satisfactorily settled. He expressed his gratitude for what had been done in the matter, and requested that, if no communication had yet been made to the Colony, steps might be taken to stop it.

I am, &c.,
W. LANGLEY.

Enclosure in No. 149.

(No. 170.)

SIR, Foreign Office, 13th December, 1913.
THE Japanese Ambassador spoke to me to-day in the sense of the telegram from the Japanese Government of which a copy is herewith enclosed, respecting the prohibition of immigration by British Columbia. He proceeded to add that, as the Ordinance was to be promulgated to-day, his communication could not affect the promulgation, but the Japanese Government would ask that the Ordinance should be administered so as to observe the spirit of the Lemieux Regulations. It was a pity that a proviso could not have been inserted in the Ordinance exempting people who came in under the Lemieux Regulations. The number of Japanese immigrants

* No. 145.

† Nos. 146 and 147.

must, necessarily, in consequence of these Regulations, be exceedingly small, and the question was, therefore, not one of great practical magnitude, but it was of the greatest importance sentimentally, Japanese feeling having recently been very much stirred by the Californian difficulty, and being exceedingly sensitive.

I said that I would at once refer the matter to the Colonial Office, and press for an answer as soon as possible. Till I had done this I could not discuss the matter; as I was not sufficiently acquainted with it.

I am, &c.,
E. GREY.

His Excellency
the Right Honourable Sir C. Greene, K.C.B.,
&c., &c., &c.

The special features of the revised Regulations regarding the temporary prohibition of immigration into British Columbia are stated as follows:—

I.

1. While the wives and children of immigrants, as well as domestic servants, will be admitted as at present, no one will be allowed to re-enter Canada unless he had previously lived in the Dominion for the period of at least three years.

2. The immigration of settled agricultural labourers will be entirely prohibited.

II.

The Regulations in question are to be enforced only in British Columbia, and though it is said that their provisions are of a general nature, yet, while the door is open on land in every direction except to those immigrants coming across the Canadian-American frontier, the side of the Pacific Coast is entirely closed. Thus it is evident from this fact that in regard to the mode of control of immigration the Regulations in question, though nominally drawn up in a general sense, do not affect Europeans or Americans whatever, but are directed solely against Orientals.

In regard, however, to the question of immigration between Japan and Canada, there exists the so-called Lemieux understanding, by which the Imperial Government, with a view to meeting the wishes of the Canadian Government, agreed to restrict to the extremity the Japanese immigration into Canada, i.e., to entirely prohibit all immigrants from going to Canada except those undermentioned:—

- (1) Those who go back to Canada, irrespective of the period of their former residence in the Dominion.
- (2) The wives and children of immigrants.
- (3) Domestic servants.
- (4) Settled agricultural labourers.
- (5) Contract labourers having special permission of the Canadian Government.

At the time of adhesion to the Anglo-Japanese Treaty of Commerce and Navigation, the Canadian Government made a declaration to the effect that it was their intention to make no discrimination whatever against Japanese subjects in their application of Immigration Acts, and the Imperial Government accordingly declared that they would be willing on their part to strictly enforce the restriction of emigration as heretofore.

It is scarcely necessary to point out that the stringent restriction enforced by the Japanese Government with regard to immigration into Canada for the past several years, and also the above-mentioned declaration given by them, emanate in virtue of the Lemieux understanding, to which the Imperial Government have been sincere in adhering.

The promulgation of the Canadian revised Immigration Regulations (regardless of their being of a temporary or of a general nature), by which a part of the said understanding should be infringed, and which should be regarded as including the Japanese among the immigrants to be prohibited from entering Canada, will,

undoubtedly, have the ill effect of arousing public opinion in Japan, which would lead to undesirable results, detrimental to the cordial relations between Japan and Great Britain.

Under these circumstances, the Imperial Government, in view of the above situation, rely upon the good efforts of His Britannic Majesty's Government to see that Canada should observe the Lemieux understanding in its entirety, as Japan has done, and that she should act in accordance with the declaration made at the time of her adhesion to the Anglo-Japanese Treaty, by either having a proviso inserted into the Regulations in question by which those immigrants requiring a special treatment by the Canadian Government shall be exempted from the operation of the law, or otherwise by giving an assurance to the Imperial Government with respect to the observance by the Canadian Government of the said understanding in its entirety.

As the Regulations are to be promulgated on next Saturday, you are hereby instructed to see Sir Edward Grey as soon as possible, fully explaining the position of the Imperial Government, and to request that the British Government will be good enough to communicate by telegram with the Canadian authorities in the desired sense.

At the present time the number of Japanese immigrants into Canada is very small as the result of the restriction enforced by the Imperial Government, and as the Regulations in question will be in force only for three months the Imperial Government might be able, if necessary, to use their influence in the matter, and it is hoped that the Canadian authorities will also be able to find a way in respect to the interpretation and application of the law, in view of the scarcity of the Japanese who will enter Canada within three months. You will add that the Imperial Government earnestly hope that the Canadian authorities will observe the principle embodied in the understanding, as well as in the declaration above referred to.

Japanese Embassy,

London.

December 12th, 1913.

EXTRACT from revised Canadian Regulations approved by the Governor-General of Canada on the 9th December, 1913.

From and after the date hereof, and until after the 31st of March, 1914, landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupations, namely, artisans, labourers, skilled or unskilled, shall be and the same is hereby prohibited.

UNION OF SOUTH AFRICA.

25750

No. 150.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

Downing Street, 14 August, 1913.

MY LORD,

I HAVE the honour to enclose, for Your Excellency's information, a copy of a letter* from the India Office, enclosing one from the Government of India, covering a memorial on the subject of certain grievances of Indians in South Africa and elsewhere, together with a copy of a further letter† communicating the reply of the Government of India to the memorial.

I have, &c.,
L. HARCOURT.

* No. 151.

† No. 155.

GENERAL.

41140

No. 151.

INDIA OFFICE to COLONIAL OFFICE.

(Received 28 December, 1912.)

[Answered by No. 152.]

India Office, Whitehall, London, S.W.,

27 December, 1912.

SIR,

I AM directed by the Marquess of Crewe to transmit a copy of papers received from India on various questions connected with Indian emigration to the Dominions and the Crown Colonies.

The points raised in the Memorial emanating from a public meeting at Bombay have, so far as they are concerned with Canadian and South African questions, formed the subject of constant inter-departmental correspondence. Further letters on these subjects, arising out of other communications from the Government of India, are being addressed to your Department.

Lord Crewe will be obliged if the detailed information regarding British East Africa and Uganda for which the Government of India ask can be furnished.

It will be necessary to address the Government of India on the subject of the present Memorial, and I am to invite the observations of Mr. Secretary Harcourt on the general questions raised.

I have, &c.,

LIONEL ABRAHAM.

Enclosure in No. 151.

No. 64 of 1912.

GOVERNMENT OF INDIA : DEPARTMENT OF COMMERCE AND INDUSTRY : EMIGRATION.

MY LORD MARQUESS,

Simla, the 24th October, 1912.

WE have the honour to forward, for such action as your Lordship may deem necessary, a Memorial dated the 1st August, 1912, received from Sir Jamsetjee Jeejeebhoy, on the subject of the grievances of His Majesty's Indian subjects resident in certain of the Colonies, and more especially in South Africa, Canada, and British East Africa.

2. Our views in regard to the position of Indians in South Africa have been recently stated in the despatches* noted in the margin, and we do not desire to make any further observations on the

No. 2, dated the 11th January, 1912.
No. 24, dated the 11th April, 1912.

present occasion. With regard to the question of the admission of the families of Indians resident in Canada (paragraph 24 of the Memorial), we understand from the Colonial Office letter, No. 14134, dated the 16th May, 1912,† that a report on the case of the two Sikh women who recently went to Canada has been called for from the Dominion Government. We propose to await the receipt of this report before considering the question further.

3. Several of the points raised in the Memorial in regard to British East Africa have been disposed of in the papers forwarded with Lord Morley's despatch, No. 57, dated the 24th March, 1911. With reference, however, to paragraph 28 of the Memorial, we would request that we may be afforded an opportunity of considering the East Africa Ordinance relative to the imposition of a poll-tax upon all residents and the proposed Uganda Licensing Ordinance before they are passed into law. We would further request that our Department of Commerce and Industry may be furnished with a copy of the East Africa Immigration Ordinance.

We have, &c.,

GUY FLEETWOOD WILSON.

R. W. CARLYLE.

SAIYID ALI IMAM.

W. H. CLARK.

R. H. CRADDOCK.

To the Most Honourable the Marquess of Crewe, K.G.,
His Majesty's Secretary of State for India.

* Enclosed in Nos. 48 and 106 in African No. 994.

† Not printed.

THE MEMORIAL OF SIR JAMSETJEE JEEJEEBHAY, BARONET, Chairman of a Public Meeting held in Bombay on Wednesday, the 31st day of July, 1912.

Bombay, this 1st day of August, 1912.

HUMBLY SHREWEETH THAT,

(1) Your Memorialist was elected to preside over a public meeting of the citizens of Bombay held in this city on Wednesday, the 31st day of July, 1912, to make further representations to Your Excellency-in-Council on the subject of the grievances of His Majesty's Indian subjects resident in certain of the Colonies, and more especially in South Africa, Canada, and British East Africa.

(2) At the aforementioned public meeting your Memorialist was authorised and instructed by a resolution duly passed to convey to Your Excellency-in-Council, on behalf of the citizens of Bombay, the following respectful representations having reference to the aforesaid grievances.

Introductory.

(3) For many years the position of His Majesty's Indian subjects resident in certain parts of the Empire outside of India has been a cause of keen distress and great heart searching to the people of this country. Though Indians have been recognised by Royal Decree as equal subjects of the Crown, and India has been described by British Statesmen as "the brightest jewel in the British Crown," and as "the keystone of the arch" of the British Empire; yet the Colonies have regarded India, her people, and her culture with studied contempt, and Indians resident therein have been denied elementary civil rights, access to some of these Colonies from India has been almost entirely prohibited, and racial antipathy has been allowed to increase to a degree incompatible with harmonious Imperial relations. Above and beyond this, certain Foreign States, realising the low esteem in which Indians are held by their fellow-subjects of the Crown resident in these Colonies, have not hesitated to take advantage of the apparent inability of His Majesty's Government to procure redress of the aforementioned grievances by imposing or threatening to impose similar hardships upon His Majesty's Indian subjects resident in their respective colonial territories.

(4) The citizens of Bombay are far from ignoring the oft-expressed desire of His Majesty's Government that Colonial Governments should rise to a truer realisation of the nature of the obligations that knit the Empire together, and they are particularly mindful of the observations of His Majesty's present Secretary of State for India at the Imperial Conference last year. And they would be lacking in a sense of duty were they to fail to recognise fully the sympathetic attitude of the Government of India, who have strenuously urged upon His Majesty's Government, on various occasions, the rightful claims of the people of India in regard to the status and treatment of those Indians who have emigrated, or who may, in the future, emigrate, to other portions of His Majesty's Dominions.

(5) But the history of recent years shows beyond dispute that these Indian emigrants, of whom India is justly proud, have almost everywhere lost ground, that constant attempts are being made in the aforesaid Colonies to reduce their status to one of recognised inferiority, and that the spirit of racialism has been mostly rashly fomented, whilst the poison of racial prejudice is spreading swiftly to other parts of the Empire which, until quite recently, have been almost entirely, if not entirely, free from it. The existence of this grave danger to the Empire and the desire to strengthen the hands of His Majesty's Government in coping with it have impelled the citizens of Bombay respectfully to place the following facts, together with their observations thereon, before Your Excellency-in-Council.

South Africa.

(6) South Africa has long been the worst offender against Indian national sentiment, and it is there that the prestige and honour of India have been most at stake. Ever since 1885, when the late South African Republic induced the then British Government to accept a law directed against "the native races of Asia, including the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Dominion," and which deprived them of fundamental rights of citizenship on alleged grounds of insanitation, regardless of personal status or qualification, insult upon insult has

been heaped upon Indians resident in various parts of the country. Attempt following attempt has been made to treat the Indian emigrant, carrying with him the priceless heritage of centuries of culture, as though he were entirely uncivilised. We even find Indians denied by status the rights enjoyed by the aboriginal natives. For example, a South African native may own fixed property in his own name in the Transvaal, but the most distinguished Indian is debarred from so doing. A native may, by passing the education test under the Transvaal Immigration Law, enter and reside in the Province; but, as yet, a British Indian subject of the Crown, no matter who he may be, is prohibited from doing so, under heavy penalties.

(7) The Transvaal Parliament, in 1907, passed the Asiatic Law Amendment Act, reducing the status of the Indian inhabitants of the then Colony, and requiring them, under the most humiliating conditions, to register themselves. As a result of this measure the movement known as the "passive resistance struggle" was inaugurated, with a view to secure a repeal of the objectionable law. Later in the year the Immigrants Restriction Act was passed, which, read together with the earlier Act, completely prohibited the immigration of all subjects of His Majesty claiming Asiatic birth or origin. Realising the importance of the principles involved in these racial declarations of policy, the Transvaal Indians continued the struggle at enormous cost to themselves in personal suffering and material loss, determined to secure a revocation thereof and the substitution of statutory equality for the deliberate policy of racial inequality in the eye of the law; and, after the severest hardships, and upon the earnest representations of the Government of India and His Majesty's Government, the Government of the Union of South Africa undertook to introduce legislation that would be of a nature to satisfy the demands of the passive resisters, and thus put an end to a struggle that has been regarded with admiration and respect throughout India, by all classes, creeds, and communities.

(8) In terms of the understanding arrived at last year, the Union Government undertook to repeal the objectionable Registration Act of 1907 except as to the rights of minor Asiatics, and to remove the racial bar from the Statute Book as regards immigration, as in the Coast Provinces, subject, however, to administrative differentiation. A Bill was accordingly introduced into the Union Parliament last year to regulate immigration into South Africa, purporting to carry out the terms of the understanding; but upon examination it was found that the Bill did not do so, and that, in addition, it took away or rendered nugatory actual or potential rights held by Indians resident in the Coast Provinces, rights which His Majesty's Government, in a despatch of October 7th, 1910, had expressly desired should be conserved, whatever else was done to settle the Transvaal controversy. The entire Indian population of South Africa strongly protested against the measure as drafted, which also met with energetic opposition from the Orange Free State members of Parliament owing to the fact that, in order that no racial bar should appear in the measure itself, it was proposed to admit all Asiatics who could pass the rigorous education test prescribed to any part of the Union, the Orange Free State being hitherto closed against Asiatic immigration. In view of the serious difficulties that arose, the Bill was withdrawn, and a provisional agreement was arrived at whereby the Union Government undertook to administer the law, so far as the Transvaal was concerned, until the next session of Parliament, as though the Bill in question had been enacted, the passive resistance movement being temporarily suspended.

(9) In February last, a second Bill to regulate immigration into the Union was brought before the South African Parliament, in a form somewhat different from that of the earlier measure, but retaining its main features. This Bill, however, as drafted, was also found not to satisfy the terms of the Union Government's undertaking, both as regards the passive resisters and the Indians resident in the Coast Provinces. Certain amendments were promised by the Union Government, without, however, entirely removing the objection that the Bill took away certain existing statutory rights of both Transvaal and Coast Province Indians. It appears, moreover, that the opposition of the Orange Free State members has not been entirely overcome; but, more important still, a strong movement has been set on foot, mainly by the Cape and Natal members, in opposition to the adoption of a prohibitory education test based upon the model of the Australian test, that may conceivably operate against immigrants of European race, in substitution of the far less exigent test sanctioned by the existing Cape and Natal Statutes. Whilst the citizens of Bombay deplore the fact that Parliament has been prorogued without giving even so mild a measure of relief as this second Bill was designed to afford, they under-

stand that the temporary settlement will be prolonged until the next session of the Union Parliament, when a further attempt to pass the Bill will be made.

(10) The published reports of the speech delivered in the Union House of Assembly, on May 31st last, by General Smuts, in moving the second reading of the aforementioned Immigration Bill, show that the real object of the adoption of the severe Australian education test over the whole Union is intended to operate, not as a check upon the type of immigration normally deemed to be undesirable, but as a barrier against Indian immigration, except that of a small number of highly qualified men, of professional or literary attainments, who may be allowed to enter the Union by the suspension of the practice of administrative discrimination. There is no justification whatever for the adoption of this extraordinary restriction in the Provinces of Natal and the Cape Colony, where the existing laws have been sufficiently severe to prevent the entry of any large numbers of Indians and to effectively exclude the immigration of the trading and labouring classes, to whom, in the main, objection has been taken. The people of India can well appreciate the difficulties confronting the Transvaal passive resisters, who faced a door shut fast against the entry of all other men of their race on racial grounds alone, and whose most determined efforts were directed to compelling the re-opening of that door, if only to secure the recognition of the doctrine of statutory equality of races in an Empire constituted as is the British Empire. It was their ambition to guard against a reduction of legal status, to the end that at some later date, when public prejudice had in some degree been overcome, it would be possible, without subverting the political principles embodied in the Statute Book, to modify public policy in accordance with the demands of an enlightened conscience on the part of the white population. But the citizens of Bombay feel that the self-denying attitude of the Transvaal Indians in no way authorises the extension of the policy of virtual exclusion of Indian immigration from other parts of the Union to which, at present, Indians have reasonable access, should they desire to enter these Provinces of South Africa. Nor does it justify General Smuts's declaration that, whilst the South African Indians have the strongest objections to racial legislation, they do not object to racial discrimination by administrative methods. The citizens of Bombay, who number, in many instances, friends and relatives in South Africa, are satisfied that the South African Indians as strongly resent the one policy as the other, so far as its material results are concerned. But, in the case of the Transvaal, they have been much more concerned to obtain the acceptance of a principle vital to the maintenance of the integrity of the Empire than to secure material advantage from their struggle for racial recognition; and it would be, it is respectfully submitted, highly unjust to penalise other South African Indians because of the successful issue of the Transvaal struggle, or to extend the doctrine of extreme administrative differentiation beyond the peculiar circumstance and the particular case that brought it into prominence.

(11) But in the event of its being found impossible, at the present juncture, to induce the Union Government to refrain from extending the scope of their policy to other parts of South Africa, it is earnestly hoped that His Majesty's Indian subjects resident therein will not, in practice, be made to suffer material disadvantage therefrom, and that His Majesty's Government, whilst in other respects conserving to them and to the Transvaal Indians existing statutory rights (such as the right of colonial-born Indians to enter the Cape Province freely, and of Cape and Transvaal Indians to enter Natal, and Natal and Transvaal Indians to enter the Cape Province, by passing the existing comparatively simple education tests), will secure to them the possibility of providing themselves, as at present, with the necessary trained assistance from India to enable them adequately to carry on their businesses.

(12) Whilst, however, the legislation referred to in paragraphs 7-11 hereof, though affecting the legal status of resident Indians, relates rather to the methods by which Indian immigration into South Africa is to be regulated than to their proper treatment, the Indian population in various parts of the Union labour under a number of serious and burdensome grievances for the removal of which no remedial legislation is forthcoming, and the citizens of Bombay implore Your Excellency-in-Council to spare no effort to procure relief at an early date.

(13) In the Transvaal, where, according to the census taken on May 7th, 1911, there is a resident Indian population of over 10,000, not one of them may, under Law 3 of 1885, become the registered owner of his own residential or business premises. Until 1905, the right of indirect ownership, through a European nominee,

was recognised by the Government and the Courts, as is evidenced in Lord Selborne's speech in the House of Lords last February, but since the passing of the Townships Amendment Acts of 1908 and 1909, Indians have been deprived even of this right by regulations which, owing to their not coming under the cognisance of His Majesty's Government, virtually evaded the requirement that all legislation bearing a racial character should be reserved for the expression of His Majesty's pleasure, and which it is believed are *ultra vires*. The Vrededorp Stands Act of 1907 grants permanent tenure to white squatters in the township at the expense of the old-established Indian residents, who are under notice of immediate removal, with imperilled prospects. Although Law 3 of 1885 could not compel Indians to trade and reside in locations, as decided by the Supreme Court in 1904, His Majesty's Government saw fit in 1908, after what is believed to have been insufficient examination, to advise the Royal assent to the Gold Law, which rendered the tenure of Indians on proclaimed gold fields very precarious, and which, in the future will, in some cases, deprive them of the right of residence and trade outside such locations, thereby reversing the policy of non-intervention enunciated by Mr. Lyttelton in 1904, when urged to permit the introduction of legislation overruling the Supreme Court's judgment. Signs are not wanting to indicate an extension to other parts of the Union of the policy of segregation in locations. The Courts in this Province have, moreover, recently decided that plural marriages contracted in India according to the personal law of Indians are not recognised in the Province, and that the second wife of, say, a Mussulman Indian resident, who is herself resident in the Transvaal, is there to the exclusion of the first wife, who, on attempting to enter the Province, has been declared a prohibited immigrant. The citizens of Bombay strongly resent these aspersions upon the validity of marriages contracted under the personal law of Indians, and they draw the earnest attention of Your Excellency-in-Council to the cruel injustice involved to the offspring of such marriages. Unless the Transvaal law is speedily modified, it must have disastrous effects upon the moral and economic well-being of Indians, wherever resident in South Africa.

(14) In the Province of Natal, the Indian population numbers some 133,000 persons, and thus exceeds the European population of 98,000. The responsibility, however, for its existence must be borne by the white colonists, who, in order to increase their wealth, hastened the process of economic development by the introduction of large numbers of Indian immigrants under contract of indenture, and these, to-day, together with their descendants, numbering some thousands born in the Province, furnish the bulk of the Indian population. It is claimed on their behalf that, but for the results of their labour, which, on the admission of the colonists themselves, saved Natal from bankruptcy half a century ago, the present Union of South Africa would never have been consummated. Unmindful, however, of the economic and political debt due to the Natal Indians, and regardless of the ethics of the case and the economic distress involved, the South African colonists have adopted the policy of segregating them within the confines of the Province, a policy to which it has been sought to give further statutory effect in the Immigration Bill referred to above.

(15) About the year 1894, a strong anti-Indian sentiment was aroused in Natal, because of the continued introduction of indentured labourers from India. As a result, a deputation of colonists came to this country with a view to induce the Government of India to assent to the termination of contracts of indenture here, instead of in South Africa, as theretofore; but since the Government, in approving of the system of indenture, contemplated that the labourers would have rights of residence and locomotion and full economic freedom at the expiry of their indentures, they declined to accept the Natal proposals. As a concession to colonial prejudice, however, and evidently in ignorance of the consequential effects of their action, they agreed to allow Natal to pass legislation imposing an annual tax of £3 upon all male Indians over 16 years of age and all female Indians over 13 years of age who, on the termination of their contracts, preferred to remain in Natal free, rather than re-indenture or return to India. The measure was passed and sanctioned by Her late Majesty's Government, and it came into force in 1901. Later, a law was passed and similarly sanctioned, imposing the same tax upon the children of ex-indentured labourers on reaching the above-mentioned ages. The effects upon the Indian population of this cruel impost have been deplorable. The citizens of Bombay are credibly informed, and it has been openly acknowledged in the late Natal Parliament, that, in order to pay it, women have had to resort to a life of

immorality, while men have been driven to crime or have been obliged to desert their families. It is true that, in 1910, a law was passed exempting certain women from payment, but the most recent reports furnish evidence that the Magistrates have, with rare exceptions, failed to exercise the discretionary powers vested in them. Recently, too, responsible Colonial employers have publicly congratulated themselves upon the fact that the result of the tax has been to prevent more than six per cent. of those labourers whose contracts are now expiring from retaining their freedom, the remainder, in almost equal numbers, being compelled to accept repatriation or re-indenture, virtually involving a choice of deportation or of re-entry into servile conditions wherein all civil status is lost. The citizens of Bombay protest in the most energetic terms against the continued imposition, in spite of constant demands for its repeal, of a tax upon freedom and morality in a British Province, demoralising to the community that has to bear it, and besmirching those glorious traditions of freedom for which Great Britain has stood in the past.

(16) The licensing laws of the Province give continued cause for grave anxiety. The issue of trading licences is in the hands of officials dependent for their employment upon the goodwill of the European trade competitors of the Indians, and who are themselves liable to be carried away by the prevailing racial prejudice. The only right of appeal that lies against refusals to issue new licences or to grant the transfer to Indians of existing licences is to municipalities or boards upon which Indians have no representation and which are mainly composed of their European business rivals. According to the law, no appeal lies to the Supreme Court, except in the case of the refusal to re-issue an existing licence. But the tendency is to regard a licence as expiring in circumstances which have no such effect in the case of European licences, regardless of the rights of the heirs, assigns, or creditors of the Indian licensee. New licences and transfers of licences have been refused even to Colonial-born Indians, who are thus prevented, in many instances, from occupying themselves in trade. These licensing laws, whilst in theory applying to all sections of the population alike, are used, in practice, to oppress the Indian trader, with a view to his eventual elimination from the Colony, without compensation for losses incurred by reason of the ill-will of his fellow-colonists.

(17) In the Cape Province, the same grievances as to restrictions upon trade are urged by the locally resident Indians, many of whom have been ruined by the harsh and differential administration of the licensing laws of the Province.

(18) In the Orange Free State the Indian population scarcely exceed 100, and these are, by statute and regulation, treated as though they were semi-barbarous aboriginals.

(19) In the South Africa Act, 1909, it has been laid down that matters affecting the interests of Indians are to be dealt with by the Governor-General-in-Council, that is, through the Union Parliament, and not by the Provincial Administrations or Councils. But attempts are being made, and legislation has been foreshadowed, to give to Provincial Councils, wherein racial prejudice is rife to a degree unknown in the Union Parliament, control over trading licences. As, for all administrative purposes, and on the public admission of prominent provincial councillors, this transfer of powers, if effected, is intended to operate almost entirely against the Indian trading community, it is clear that the real intention of the South Africa Act will be evaded, and the citizens of Bombay cannot contemplate with equanimity the evasion of almost the only safeguard of Indian interests contained in the South African Constitution.

(20) Your Memorialist is desired, furthermore, to direct the attention of Your Excellency-in-Council to the growing practice, in South Africa, of framing regulations on a basis of racial inequality, under cover of laws ostensibly free from racial discrimination, as, for example, in the case of the Transvaal Townships Amendment Acts, mentioned above. These regulations are never assented to by Parliament, nor are they held over for examination by His Majesty's Government, as they would of necessity be, in terms of the South Africa Act, were they embodied in the statutes themselves. In this way, what is virtually racial legislation is passed with resulting injury to Indian interests.

(21) Although the South Africa Act provides for the disallowance by His Majesty, in certain circumstances, of laws passed by the South African Legislature, from past experience it is generally feared that His Majesty's Government will, even in cases of extraordinary hardship, decline to advise the exercise of the royal prerogative, thus rendering nugatory this valuable constitutional safeguard against

injustice and oppression. The citizens of Bombay, whilst recognising the general right of the self-governing Dominions to legislate in their own interests, cannot agree that this involves the permission to legislate to the detriment of special classes of the community and for the material advantage of other classes, nor that self-governing Dominions may legislate, without hindrance, in such a manner as to endanger the mutual relations of different parts of the common Empire. They have also noted with alarm a tendency on the part of His Majesty's Government, on occasions when old statutes imposing racial disabilities are revived and re-enacted, to refrain from exercising their influence to prevent such re-enactment, solely on the ground that the legislation is of long standing. Such a case is that of the draft Municipal Ordinance now before the Transvaal Provincial Council. They desire, however, respectfully to remind Your Excellency-in-Council that the grievances of the Indian community relating thereto are of equally long standing, and that the people of India have a right to expect that His Majesty's Government will avail themselves of all such opportunities to resist the encroachments upon the rights and privileges of the resident Indians by the white colonists, who fail lamentably to appreciate those Imperial obligations of which the people of India are constantly reminded.

Canada.

(22) The problem of Indians in Canada is at present confined to the Province of British Columbia, which has an Indian population of some 4,000, almost entirely composed of Sikhs, who are mostly ex-soldiers of the Indian Army. These men have served the Crown on many battlefields and in many campaigns. They bear on their breasts the medals conferred upon them for their services to the Empire, and many will gladly carry with them to the grave the wounds that they have received whilst adding lustre to the British Flag. The manner in which they are regarded by their fellow British subjects in British Columbia, however, is startlingly indicated by a local newspaper, the "Vancouver Sunset," which, following notorious South African precedents, speaks of them as part of "the innumerable spawn which the hell-muck of India has produced," and exclaims: "Imagine a smoke-coloured Oriental having any rights in this part of the world."

(23) Indian immigration into Canada is restricted by the Immigration Laws which demand the production of a sum by British Indians four times as much as that demanded of Asiatics of foreign nationality. These laws prohibit the entry of such persons as do not come to the country by continuous journey from their country of origin. This restriction has completely stopped the immigration of Indians into Western Canada, as there are no direct means of communication from India, transshipment at Hong Kong being necessary. Even Indian students with previous residence have been rejected for this reason.

(24) There is, however, another aspect of this restriction which demands, in the opinion of the citizens of Bombay, the immediate consideration of Your Excellency-in-Council. Although many Indians have been resident in the Province for a number of years, during which time they have built up important businesses and acquired a domicile, the law operates to prevent their families joining them. Only recently the wives of two Indian residents of long-standing, arriving to join their husbands, were the victims of orders of deportation, which were subsequently withdrawn as an act of grace, and not because of any change of policy on the part of the Dominion immigration authorities. On December 15th last, cabled statements were received in this country, that the Hon. Mr. Rogers, on behalf of the new Imperialist Canadian Government, had promised a joint European and Indian deputation that the families of Indian residents would be admitted. Nevertheless, on April 30th last, a notice was served upon the two ladies aforementioned, at 4 p.m. on the day before the boat sailed, ordering their removal from the Colony and, but for the active intervention of their legal advisers, they would have been spirited away and left stranded at Hong Kong.

(25) Apart from the cruel hardship and inherent immorality of separating families, it is, in the opinion of the citizens of Bombay, regrettable that a pledge made to Indians by a responsible Minister in British Colonies remains unfulfilled, with results calculated to create just resentment in the minds of the people of India. The remarks on the constitutional and Imperial aspects of the question in South Africa apply with equal force to the case of Canada.

British East Africa.

(26) Perhaps in some respects the problem that presents itself in the Crown Colony of British East Africa is the gravest of all that have so far arisen, for it seems to presuppose an inherent incapacity on the part of the white colonists to render even elementary justice to their Indian fellow subjects. British East Africa has been colonised and developed by Indians for more than 300 years. The Indian population numbers 25,000, as against 2,000 white settlers, large numbers of the latter having come from South Africa and brought with them the violent racial prejudice that holds such powerful sway there. In the words of Mr. Montgomery, the Commissioner for Lands, "Indians have been in the country for many generations, and came long before the Europeans. The Uganda Railway (the greatest factor in the development of the country) was made by Indian labour. But for such labour it would never have been constructed at all. Most of the trading wealth of the country is in the hands of Indians." The present First Lord of Admiralty, in his book, "My African Journey," said: "It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man could go or in which no white man could earn a living, has more than anyone else developed the early beginnings of trade and opened up the first slender means of communication." Sir James Hayes-Sadler, late Governor of the Protectorate, said: "The Protectorate has everything to gain from Indian settlement, both in the actual development it will bring about and in the stimulating effect it will have on production by the natives, on whom and the Indians East Africa must, whatever be the conditions of the uplands, mainly depend for the production and development of its economic resources." Sir John Kirk, in evidence before the Sanderson Committee, said: "But for the Indians we should not be there now. It was entirely through gaining possession of the influence of these Indian merchants that we were enabled to build up influence that eventually resulted in our position." The conclusion reached by the Sanderson Committee on this and other evidence was that the presence of a considerable number of Indian inhabitants has been and continues to be of material advantage to the British administration of the Protectorate.

(27) Nevertheless, in spite of their inferiority in numbers and wealth, notwithstanding their recent arrival in the Protectorate, and oblivious of the fact that East Africa is a Crown Colony for whose administration His Majesty's Government are directly and wholly responsible, the white settlers are emulating the South African colonists, and are doing their utmost, by the exercise of their influence upon the local Government, not only to deter further Indian immigration, but to induce resident Indians to leave the country.

(28) The Immigration Ordinance is being differently used against Indians. In the uplands of Nairobi, and even in the lowlands, they are not permitted to bid at sales of Government land, whose purchase is confined to Europeans. Indians are, by Ordinance, deprived of the privilege of nomination as justices of the peace. They may not have the advantage of trial by jury. As in South Africa, disabilities as to locomotion are imposed upon them. Municipal regulations prevent their entering one of the public markets, save as agents for Europeans. An Ordinance has passed the second reading in the local Legislative Council, on which there is no Indian representation, imposing a poll-tax upon all residents. The burden will fall almost wholly upon the poorer members of the Indian community, who cannot afford to pay the tax. The analogy of Natal has been invoked, but there the tax has met with the utmost opposition on account of its inherent injustice, and payment is now suspended by virtue of a law passed in 1911. In Uganda the local Indians complain of a proposed Licensing Ordinance, that will prejudice the interests of Indian traders, who are often pioneers and usually carry small stocks. Attempts are being made, and have been sustained by His Majesty's Government, to exclude Indians altogether from the most salubrious parts of East Africa, in order to keep these for exclusive white occupation, though their development depends upon the local native labour supply. Lord Elgin laid it down, in a despatch, dated March 9th, 1903, that "as a matter of administrative convenience grants should not be made to Indians in the upland areas." In other words, it appears that, in order to avoid a conflict with the selfish interests of the white settlers, a conspicuous injustice has been done to the Indian community. The citizens of Bombay strongly protest against the policy of segregating Indians in low-lying or insalubrious parts of British territories, reserving the invigorating and salubrious portions for exclusive European

occupation. They urge that, in view of their preponderant numbers and the importance of Indian interests, the Indian population should have permanent and effective representation on the local Legislative Council. They would remind Your Excellency-in-Council of the remarks made, when Under-Secretary for the Colonies, by the Rt. Hon. Mr. Winston Churchill, on the subject of East Africa:—"How stands the claim of the British Indian? His rights as a human being, his rights as a British subject, are equally engaged. It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. . . . Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of good faith? Most of all, we ask, is such a policy possible to the Government which bears sway over three hundred millions of our Indian Empire?" The Indians of East Africa claim equal justice, not only as human beings, not alone as British subjects, but also because, as pioneer colonists of the territory, they made possible its occupation by Great Britain.

Foreign Countries.

(29) As stated in a previous paragraph hereof, foreign states have not been slow to perceive in what low esteem His Majesty's Indian subjects are held by their fellow subjects of European race in the Colonies, or to take advantage of the difficulties that surround His Majesty's Government in endeavouring to remedy the acknowledged evil, for they have either adopted or threatened to adopt in their own territories, against British Indians resident therein, a racial policy similar to that in force against Indians in the British Colonies; nor is it easy to see with what force His Majesty's Government can now intervene to prevent in foreign territory what they have not succeeded in preventing on British soil. The Canadian precedent, it is stated, is shortly to be followed by the United States of America, which, however, will be unable to legislate against Asiatics of non-British origin and enjoying the advantages of national Government. The Portuguese Province of Mozambique has long been subject to the influence of the British South African Governments, and has, upon pressure from the Transvaal, uniformly assisted in the administration of anti-Asiatic laws in vogue in that Province, by deporting British Indians, without trial, to India, and preventing other Indians, lawfully resident in the Transvaal, from returning to their place of domicile. It is to be remarked, moreover, that Portugal differentiates in favour of Indians of Portuguese nationality, an example which, it is respectfully submitted, may reasonably be pressed upon the notice of British Colonial Administrations, which, if they differentiate at all, do so in favour of Asiatics of non-British nationality. In the Reichstag, recently, legislation of a restrictive nature based upon the South African model, which, it was emphasised, had been accepted by His Majesty's Government, has been foreshadowed in German East Africa, which has evidently been quick to learn the lesson of the neighbouring British Protectorate.

Indenture Labour in the Colonies.

(30) Whilst recognising with the utmost appreciation the sympathetic action of the Government of India in prohibiting the further recruitment in India of indentured labour for Natal, it was with the utmost regret that the citizens of Bombay learnt that, in spite of the fact that it was supported by every non-official Indian member of the Imperial Legislative Council, representing all communities and every shade of thought in the country, the Government of India declared their inability to accept the resolution of the Hon. Mr. Gokhale, last March, to terminate entirely the system of indentured recruitment for British Colonies at an early date. They thoroughly endorse the strictures passed upon the system of indenture and re-indenture on that occasion, and regret that so much stress was laid by the Hon. the Member for Commerce and Industry upon the obligation of India towards the Colonies that enjoy the privilege of securing cheap supplies of labour from this country. The citizens of Bombay feel that India is under no obligation whatever to grant labour facilities to these Colonies, and that, beyond this the standard of treatment likely to be accorded to the Indian emigrant will naturally tend to be that given to coolies who are deprived of civil rights and are liable, for ordinary breach of contract, to criminal punishment. The conscience of India protests against the maintenance of a system that demoralises its victims, that embodies an economic and

social injury both to India and to the countries that avail themselves of this semi-servile labour, and that lowers Indian prestige in the eyes of the civilised world.

Conclusion.

(31) Anxious as he is to emphasise the main principles underlying the claim of British Indians for civilised treatment in the British Colonies, your Memorialist has refrained from troubling Your Excellency-in-Council with a statement of grievances of a minor character on the present occasion. The cumulative effect of the several disabilities narrated above is, it is hardly necessary for your Memorialist to urge, far from being conducive to the existence of that harmonious feeling among the component parts of the Empire which, he is sure, it is the interest of His Majesty's Government to foster. The effect in India, as the real state of things becomes known, is necessarily of a character which the Government, as the custodian of Indian interests, and as the organ of Indian sentiment in the counsels of the Empire, cannot view without grave concern. Your Memorialist would respectfully urge that it is hardly to be expected that the people of this country will acquiesce in the treatment of Indians as an inferior race in order that the rights of self-government accorded to the Colonies may remain intact. Such rights, your Memorialist would take leave to point out, are always to be understood to be subject to the paramount interests of the Empire as a whole, which are seriously and visibly affected when one portion of it inflicts injury upon another part.

For the reasons and on the grounds set forth above, your Memorialist, in his aforesaid capacity, respectfully requests Your Excellency-in-Council to take such steps as may be calculated at an early date to relieve British Indians in the Colonies of the hardships and humiliations consequent on the policy at present pursued therein. For which act of justice, your Memorialist, as in duty bound, shall ever pray, &c.

JAMSETJEE JEEJEEBHoy.

To His Excellency the Governor-General-in-Council,
Simla.

41140

No. 152.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by Nos. 153 and 155.]

Sir,

Downing Street, 17 January, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th of December,* forwarding copy of a despatch from the Government of India on various questions connected with the emigration of British Indians.

2. Mr. Harcourt has given careful consideration to the statements made in the memorial of Sir Jamsetjee Jeejeebhoy, and I am to submit the following observations with regard to the statements contained in that memorial.

SOUTH AFRICA.

3. On the questions relating to the increased restrictions on immigration into the Cape of Good Hope and Natal, Lord Crewe is already in possession of Mr. Harcourt's views, as stated in the 8th paragraph of the letter from this Office of the 22nd of November, 1911,† and the correspondence referred to, and in the 9th and 10th paragraphs of the letter from this Office of the 26th of March, 1912.‡ To the statements contained in this correspondence there is nothing which Mr. Harcourt can usefully add at present.

4. As regards the position of British Indians under the Transvaal Precious and Base Metals Act and Townships Amendment Act, Mr. Harcourt adheres to the view expressed in the letter from this Office of the 12th of January, 1912.§

5. As regards the £3 tax imposed in Natal, and the question of licensing in Natal and the Cape, I am to refer to paragraph 4 of the letter from this Office of the 26th of March last.¶ Mr. Gokhale has since stated in his speech at Bombay on his return from South Africa that the £3 tax is to be removed in the course of this year, but Mr. Harcourt has not at present received official confirmation of the intention to repeal attributed by Mr. Gokhale to the Union Ministers.

* No. 151.

† No. 315 in African No. 970.

‡ No. 59 in African No. 994.

§ No. 10 in African No. 994.

occupation. They urge that, in view of their preponderant numbers and the importance of Indian interests, the Indian population should have permanent and effective representation on the local Legislative Council. They would remind Your Excellency-in-Council of the remarks made, when Under-Secretary for the Colonies, by the Rt. Hon. Mr. Winston Churchill, on the subject of East Africa:—"How stands the claim of the British Indian? His rights as a human being, his rights as a British subject, are equally engaged. It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. . . . Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of good faith? Most of all, we ask, is such a policy possible to the Government which bears sway over three hundred millions of our Indian Empire?" The Indians of East Africa claim equal justice, not only as human beings, not alone as British subjects, but also because, as pioneer colonists of the territory, they made possible its occupation by Great Britain.

Foreign Countries.

(29) As stated in a previous paragraph hereof, foreign states have not been slow to perceive in what low esteem His Majesty's Indian subjects are held by their fellow subjects of European race in the Colonies, or to take advantage of the difficulties that surround His Majesty's Government in endeavouring to remedy the acknowledged evil, for they have either adopted or threatened to adopt in their own territories, against British Indians resident therein, a racial policy similar to that in force against Indians in the British Colonies; nor is it easy to see with what force His Majesty's Government can now intervene to prevent in foreign territory what they have not succeeded in preventing on British soil. The Canadian precedent, it is stated, is shortly to be followed by the United States of America, which, however, will be unable to legislate against Asiatics of non-British origin and enjoying the advantages of national Government. The Portuguese Province of Mozambique has long been subject to the influence of the British South African Governments, and has, upon pressure from the Transvaal, uniformly assisted in the administration of anti-Asiatic laws in vogue in that Province, by deporting British Indians, without trial, to India, and preventing other Indians, lawfully resident in the Transvaal, from returning to their place of domicile. It is to be remarked, moreover, that Portugal differentiates in favour of Indians of Portuguese nationality, an example which, it is respectfully submitted, may reasonably be pressed upon the notice of British Colonial Administrations, which, if they differentiate at all, do so in favour of Asiatics of non-British nationality. In the Reichstag, recently, legislation of a restrictive nature based upon the South African model, which, it was emphasised, had been accepted by His Majesty's Government, has been foreshadowed in German East Africa, which has evidently been quick to learn the lesson of the neighbouring British Protectorate.

Indenture Labour in the Colonies.

(30) Whilst recognising with the utmost appreciation the sympathetic action of the Government of India in prohibiting the further recruitment in India of indentured labour for Natal, it was with the utmost regret that the citizens of Bombay learnt that, in spite of the fact that it was supported by every non-official Indian member of the Imperial Legislative Council, representing all communities and every shade of thought in the country, the Government of India declared their inability to accept the resolution of the Hon. Mr. Gokhale, last March, to terminate entirely the system of indentured recruitment for British Colonies at an early date. They thoroughly endorse the strictures passed upon the system of indenture and re-indenture on that occasion, and regret that so much stress was laid by the Hon. the Member for Commerce and Industry upon the obligation of India towards the Colonies that enjoy the privilege of securing cheap supplies of labour from this country. The citizens of Bombay feel that India is under no obligation whatever to grant labour facilities to these Colonies, and that, beyond this the standard of treatment likely to be accorded to the Indian emigrant will naturally tend to be that given to coolies who are deprived of civil rights and are liable, for ordinary breach of contract, to criminal punishment. The conscience of India protests against the maintenance of a system that demoralises its victims, that embodies an economic and

social injury both to India and to the countries that avail themselves of this semi-servile labour, and that lowers Indian prestige in the eyes of the civilised world.

Conclusion.

(31) Anxious as he is to emphasise the main principles underlying the claim of British Indians for civilised treatment in the British Colonies, your Memorialist has refrained from troubling Your Excellency-in-Council with a statement of grievances of a minor character on the present occasion. The cumulative effect of the several disabilities narrated above is, it is hardly necessary for your Memorialist to urge, far from being conducive to the existence of that harmonious feeling among the component parts of the Empire which, he is sure, it is the interest of His Majesty's Government to foster. The effect in India, as the real state of things becomes known, is necessarily of a character which the Government, as the custodian of Indian interests, and as the organ of Indian sentiment in the counsels of the Empire, cannot view without grave concern. Your Memorialist would respectfully urge that it is hardly to be expected that the people of this country will acquiesce in the treatment of Indians as an inferior race in order that the rights of self-government accorded to the Colonies may remain intact. Such rights, your Memorialist would take leave to point out, are always to be understood to be subject to the paramount interests of the Empire as a whole, which are seriously and visibly affected when one portion of it inflicts injury upon another part.

For the reasons and on the grounds set forth above, your Memorialist, in his aforesaid capacity, respectfully requests Your Excellency-in-Council to take such steps as may be calculated at an early date to relieve British Indians in the Colonies of the hardships and humiliations consequent on the policy at present pursued therein. For which act of justice, your Memorialist, as in duty bound, shall ever pray, &c.

JAMSETJEE JEEJEEBHoy.

To His Excellency the Governor-General-in-Council,
Simla.

41140

No. 152.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by Nos. 153 and 155.]

Downing Street, 17 January, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th of December,* forwarding copy of a despatch from the Government of India on various questions connected with the emigration of British Indians.

2. Mr. Harcourt has given careful consideration to the statements made in the memorial of Sir Jamsetjee Jeejeebhoy, and I am to submit the following observations with regard to the statements contained in that memorial.

SOUTH AFRICA:

3. On the questions relating to the increased restrictions on immigration into the Cape of Good Hope and Natal, Lord Crewe is already in possession of Mr. Harcourt's views, as stated in the 8th paragraph of the letter from this Office of the 22nd of November, 1911,† and the correspondence referred to, and in the 9th and 10th paragraphs of the letter from this Office of the 26th of March, 1912.‡ To the statements contained in this correspondence there is nothing which Mr. Harcourt can usefully add at present.

4. As regards the position of British Indians under the Transvaal Precious and Base Metals Act and Townships Amendment Act, Mr. Harcourt adheres to the view expressed in the letter from this Office of the 12th of January, 1912.§

5. As regards the £3 tax imposed in Natal, and the question of licensing in Natal and the Cape, I am to refer to paragraph 4 of the letter from this Office of the 26th of March last.¶ Mr. Gokhale has since stated in his speech at Bombay on his return from South Africa that the £3 tax is to be removed in the course of this year, but Mr. Harcourt has not at present received official confirmation of the intention to repeal attributed by Mr. Gokhale to the Union Ministers.

* No. 151.

† No. 315 in African No. 970.

‡ No. 59 in African No. 924.

§ No. 10 in African No. 924.

6. On the question of polygamy, I am to point out that neither under the law of South Africa nor under the practice in the past has recognition been accorded to polygamous marriages.

7. As regards the transfer to the Provincial Councils of control over trading licences, Mr. Harcourt desires to point out that there is no ground for objection in principle to the entrusting to these Councils of the duty of dealing with this matter, which is much more a municipal than a parliamentary question. Moreover, Mr. Harcourt has no reason to doubt that the Union Government will carefully scrutinise the legislation of the Provinces with a view to preventing the passing of enactments discriminating against Asiatics.

8. With regard to the complaint that the operation of Section 147 of the South Africa Act is affected by assigning anti-Asiatic measures to the sphere of regulations, I am to point out that regulations which transcend powers conferred by law are presumably *ultra vires*, and, if so, the Courts will decline to enforce them.

9. As regards the Transvaal Local Government Ordinance, I am to point out that, as amended in Select Committee, the more objectionable features were removed. (See the letter from this Office of the 28th of August, 1912.)*

10. As regards the deportation of Indians from Lourenço Marques, I am to refer to the answer to Lord Ampthill's question in the House of Lords on the 19th of February, 1912.†

CANADA.

11. With regard to the case of Canada, I am to state that Mr. Harcourt has again reminded the Governor-General that he has not yet received a report as to the case of the proposed deportation of certain Sikh women and children.

12. I am, however, at the same time to point out that the statements in paragraphs 24 and 25 of the memorial have no foundation, as the cabled statements, which were undoubtedly published, that the Honourable Robert Rogers had promised that the families of Indian residents would be admitted, were contrary to fact, and that accordingly the regret of the citizens of Bombay that a pledge given by a responsible Minister should remain unfulfilled is based on a misapprehension. It is also inaccurate to state, as is done in the memorial, that Indian immigrants have to produce a sum four times as much as that required of Asiatics of foreign extraction. While it is true that at present Indian immigrants are required to show that they are in possession of \$200 on entry into Canada, Chinese immigrants are required to pay to the Government a sum of £100 a head, while only those Japanese immigrants who can produce passports granted by the Japanese Government in accordance with an arrangement for the restriction of emigrants entered into between the Governments of Canada and Japan are permitted to enter at all, and Mr. Harcourt is not aware that any other alien Asiatics are admitted on terms more favourable than those accorded to British Indians.

EAST AFRICA.

13. I am to enclose the accompanying copy of the Non-Native Poll Tax Ordinance of the East Africa Protectorate,‡ which is already in force. The Ordinance lays upon the European and Asiatic resident a direct liability to contribute to the revenue similar to that which is already laid upon the native, and Mr. Harcourt does not think that any exception can be taken to its provisions. It will be observed that Section 14 provides for the possibility of a remission of the tax in the case of poverty.

14. I am also to enclose a copy of the proposed Uganda Licensing Ordinance,§ which it is intended to bring into force from the 1st of April next, together with a copy of the despatch|| in which Mr. Harcourt approved of the enactment of the Ordinance. It will be seen that considerable modifications as regards the cost of a general trading licence and the languages in which accounts may be kept have been directed. I am to point out that the Ordinance is based upon one which has operated satisfactorily in Nyasaland, and that, as it is not at present proposed to institute hawkers' or pedlars' licences, the poorest class of Indian traders will not be affected.

15. Copies of the East Africa Protectorate Ordinances¶ dealing with the restriction of immigration are enclosed. On this point, and also on the remaining

allegations contained in paragraph 28 of the memorial, I am to observe that the complaints made appear to be no more than repetitions of those advanced in 1910 and early in 1911 either by Mr. Jeevanjee in the Press or by the London All India Moslem League. These matters formed the subject of correspondence between the India Office and the Colonial Office, and, in the absence of any more definite statement of grievance than was then advanced, or of any information as to individual cases of hardship, Mr. Harcourt does not consider it necessary to make any remark upon them except by reference to the previous correspondence. He would observe that no reply has been received to the letters sent to the Moslem League.

16. The operation of the Immigration Ordinances was discussed in paragraph 7 of the letter to the Moslem League of the 30th of March, 1911,* of which a copy was sent to you in the letter† from this Department of the same date. Mr. Harcourt has no reason to believe that the Ordinances are administered so as to occasion any injustice to Indians.

17. As regards disability from purchasing land, I am to refer, so far as the highlands of East Africa are concerned, to paragraph 5 of the same letter. The complaint in regard to the lowlands would appear to be a repetition of that advanced in the letter from the Moslem League of the 6th of January, 1911,‡ namely, that Indians were precluded from purchasing township plots for residential purposes. It will be observed from the letter from this Department of the 27th of April, 1911,§ that the late Governor explained that the regulation was based not upon racial but upon sanitary grounds, and that he undertook to substitute for absolute prohibition such conditions as might be deemed fit by the medical and sanitary authorities.

18. The complaint as to the exclusion of Indians from the roll of Justices of the Peace was dealt with by the Acting Governor of the Protectorate in a despatch, dated the 25th of November, 1910,|| of which a copy was sent to you on the 10th of January following,|| and I am to invite the attention of Lord Crewe to paragraph 10 of that despatch.

19. With regard to trial by jury, it will be within Lord Crewe's recollection that the matter was discussed between the two Departments, and that at his suggestion the Moslem League were informed, in paragraph 11 of the letter already referred to, that the Governor had been directed to enquire into the matter personally with a view to ascertaining whether it would not be desirable to have, for Mohamedan Law, Indian assessors when cases involving Moslem Indians were dealt with. Mr. Harcourt has no information as to whether any conclusion has been come to on this point, and he will bring the matter to the notice of the present Governor.

20. The reference in the memorial as to disabilities in the matter of locomotion would appear to correspond to that dealt with by Sir P. Girouard in his memorandum on Mr. Jeevanjee's communication to the "Daily Chronicle." A copy of the memorandum was enclosed in the letter from this Department of the 10th of January, 1911,|| and the point was covered by paragraph 10 of the letter to the Moslem League of the 30th of March.*

21. The one market from which Indians are generally excluded can only be the small European market at Nairobi. It was explained to the Moslem League in paragraph 8 of the letter of the 30th of March, 1911, that this market was formed by European farmers for the sale of produce to those Europeans who feared the possibility of contamination of vegetables, &c., arising from the insanitary conditions existing in the general Jeevanjee market.

22. The question of sanitation is, indeed, the most difficult factor in regard to the position of Indians in the East Africa Protectorate, and it becomes more difficult as the towns grow with the general development of the Protectorate. Mr. Harcourt cannot but view with the gravest apprehension the constant succession of outbreaks of plague and epidemics of water-borne disease, which are traceable in large measure to the condition of those parts of the towns which are inhabited by the Indian community.

I am, &c.,

H. J. READ,
for the Under-Secretary of State.

* 23528A : not printed.

† 4571 : not printed.

‡ Ordinance 19 of 1912.

§ Draft Ordinance (in Gov., 16965, not printed).

|| 16965 : not printed.

¶ Ordinances 17 of 1906 and 27 of 1910.

* 38069 : not printed.

† 9420 : not printed.

‡ No. 536 : not printed.

§ 11506 : not printed.

|| 38552 : not printed.

No. 153.

INDIA OFFICE to COLONIAL OFFICE.

(Received 13 February, 1913.)

[Answered by No. 154.]

India Office, Whitehall, London, S.W.,

13 February, 1913.

SIR,

I AM directed by the Marquess of Crewe, with reference to Mr. Read's letters of the 17th and 23rd ultimo,* to express his acknowledgment of the careful consideration accorded by Mr. Secretary Harcourt to the questions as to Indian emigration raised in the papers transmitted with Mr. Abrahams's letter of the 27th December last.† Lord Crewe is communicating the papers to the Government of India. He is much obliged for the information given with regard to East Africa and Uganda.

On the several questions connected with Indians in Canada and South Africa it is unnecessary for His Lordship to offer any remarks at present, except to say that he is inviting the attention of the Government of India to the error in the published reports as to statements attributed to the Honourable Robert Rogers, and that he will be glad to receive authentic information as to the intentions of the Union Ministry with regard to the £3 tax in Natal.

But with regard to the sixth paragraph of Mr. Read's first letter, I am to enquire whether fuller information can be given as to the legal position of polygamy in South Africa. It is somewhat surprising that no recognition should have been accorded to what, his Lordship understands, has been the general type of marriage among the large Bantu population of the sub-continent, so long as their tribal organisation has continued. It would, of course, be most misleading to suggest an analogy between Bantu tribal marriage customs and marriages under Hindu or Muhammedan law, but the statement in Mr. Read's letter is unqualified. It appears to Lord Crewe that there is, however, to some extent a real analogy between the position of Indian immigrants and that of the Muhammedan community commonly known as "Malay," which has been domiciled in the Cape of Good Hope for more than a century.

If (as his Lordship understands) the laws of Cape Colony have always declined to recognise the validity of polygamous marriages, in the case of these "Malays," whose own religious law did not prohibit such unions, the fact, if known, would probably remove misconception in India. I am to enquire whether an authoritative statement to this effect can be furnished.

I have, &c.,

T. W. HOLDERNESS.

No. 154.

COLONIAL OFFICE to INDIA OFFICE.

Downing Street, 11 March, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th of February,‡ on the subject of the position of British Indians in the self-governing Dominions.

2. With reference to the 3rd paragraph of your letter, I am to request that you will inform the Marquess of Crewe that, in the Union of South Africa, the rule is that even in the case of the native population no general recognition is accorded to polygamous marriages. This is, Mr. Harcourt understands, the case in the greater portion of the Cape and in the whole of the Transvaal and the Orange Free State; marriages by native law or custom have, however, been recognised in certain parts of what is now the Union, viz., in Natal, in British Bechuanaland, and in the Transkeian territories, but in each case only in virtue of special legislation which has no application to non-aboriginal populations. In this connexion I am to invite reference to the cases referred to in the letter from this Office of the 25th of May, 1912,§ and I am also to refer to a decision given in the Transvaal Supreme Court in 1910 in the case of *Kaba v. Ntela*: a copy of the volume containing this report (page 964) is enclosed herewith for perusal and return.

* No. 151 and 41140: not printed. † No. 151. ‡ No. 153. § No. 86 in African No. 994.

3. In these circumstances, Mr. Harcourt has no doubt that it would be correct to state that the law of the Cape has always declined to recognise the validity of polygamous marriages in the case of the so-called Malay community, but he is communicating with the Government of the Union on the subject.

I am, &c.,

H. W. JUST.

No. 155.

INDIA OFFICE to COLONIAL OFFICE.

(Received 26 July, 1913.)

India Office, Whitehall, London, S.W.,

25 July, 1913.

SIR,

WITH reference to Mr. Read's letter of the 17th January last, No. 41140,* and to other correspondence connected with the memorial submitted to the Government of India by Sir Jamsetjee Jeejeebhoy, I am directed by the Marquess of Crewe to transmit, for the information of Mr. Secretary Harcourt, a copy of the reply returned by the Government of India.

I have, &c.,

T. W. HOLDERNESS.

Enclosure in No. 155.

THE SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE AND INDUSTRY, to THE SECRETARY TO THE GOVERNMENT OF BOMBAY, POLITICAL DEPARTMENT.

(No. 4357—45.)

Government of India: Department of Commerce and Industry.

Simla, the 4th June, 1913.

In reference to the correspondence ending with Mr. McWatters's letter No. 7838-111, dated the 16th October, 1912, I am directed to say that the Memorial from Sir Jamsetjee Jeejeebhoy, on the subject of the grievances of British Indian subjects resident in certain of the Colonies, has been before the Secretary of State for India and certain further information has been obtained through his agency on some of the subjects referred to by the Memorialists. I am now to convey the observations of the Government of India on the Memorial, and I am to request that, with the permission of His Excellency the Governor in Council, they may be communicated to Sir Jamsetjee Jeejeebhoy in due course.

2. Paragraphs 6 to 21 of the Memorial deal with the position of British Indians in South Africa, and in this connection I am to notice the more important issues raised. The Memorialists deplore the failure of the Union Government to pass the Immigration Bill which was introduced during the last session of the Union Parliament, and protest against the curtailment of privileges now enjoyed in regard to immigration into Natal and Cape Colony. I am to say that, as the Memorialists are no doubt aware, a revised Bill has now been introduced and is under consideration in the Union Parliament. The Government of India are not yet in possession of reliable information as to the prospects and progress of the Bill, but the whole matter has been the subject of constant communication between the Government of India and His Majesty's Government, and I am to assure the Memorialists that no effort has been spared to bring about a satisfactory settlement of the questions at issue.

In reference to the position of Indians under the Transvaal Precious and Base Metals Act and the Townships Amendment Act, I am to explain that the former does not affect rights or privileges which existed at the time it was passed, and that an assurance has been obtained from the Union Government that vested rights which were acquired by individuals prior to the grant of freehold under the Townships Amendment Act will not be interfered with.

In connection with the complaint made regarding the practice of framing regulations on a basis of racial inequality under cover of laws ostensibly free from racial discrimination, I am to point out that regulations which transcend powers conferred by law are presumably *ultra vires*, and, if so, the Courts will decline to enforce them. I am to add that the question of the continuance in Natal of the £3 tax imposed on

* No. 152.

ex-indentured Indians is now under consideration by the South African Government, and the questions of the non-recognition by the Transvaal Courts of polygamous marriages contracted by Indians and the transfer to the Provincial Councils of control of trading licences are still the subject of correspondence between His Majesty's Government and the Government of the Dominion.

3. With reference to the case of Canada, which is dealt with in paragraphs 22 to 25 of the Memorial, I am to state that the question of the admission into the Dominion of the families of resident Indians has not yet been finally settled. I am, at the same time, to observe that the statements in paragraphs 24 and 25 of the Memorial appear to be devoid of foundation. The cabled statements that the Honourable Mr. Robert Rogers had promised that the families of Indian residents would be admitted were contrary to fact, and it follows, therefore, that the regret expressed by the citizens of Bombay that a pledge given by a responsible Minister should remain unfulfilled is based on a misapprehension. The Government of India are also informed that the statement contained in the Memorial, that Indian immigrants must produce a sum four times as great as that required by Asiatics of foreign extraction, is inaccurate. While it is true that at present Indian immigrants are required to show that they are in possession of 200 dollars on entry into Canada, Chinese immigrants are required to pay to the Government a sum of £100 a head, and only those Japanese immigrants who can produce passports granted by the Japanese Government in accordance with an arrangement entered into between the Governments of Canada and Japan are permitted to enter at all. It does not appear that any other alien Asiatics are admitted on terms more favourable than those accorded to British Indians.

4. As regards British East Africa, I am to enclose a copy of a letter dated the 30th March, 1911, addressed by the Colonial Office to the London All-India Moslem League, which deals with many of the questions raised in paragraphs 26 to 28 of the Memorial. With reference to paragraph 11 of the letter, I am to add that it has since been ascertained that the Administration of British East Africa propose to provide for the appointment of assessors in the draft Civil Procedure Ordinance which is now in course of preparation.

In regard to the levy of a poll tax in British East Africa, I am to explain that the Ordinance imposing this tax lays upon both European residents and Asiatics a direct liability to contribute to the revenue, similar to that imposed upon native residents. There is thus no discrimination between any classes of the non-native community. Moreover, the Ordinance provides power for remission of the tax in cases where the poverty of the person concerned might render it oppressive. The Ordinance, therefore, should not lead to hardship in the case of indigent residents.

The Uganda Licensing Ordinance has been passed with modifications lowering the cost of a general trading licence from Rs. 300 to Rs. 150, and including Urdu among the languages in which accounts may be kept. The Ordinance, which is based upon one which has operated satisfactorily in Nyasaland, is applicable to all non-natives, whether Europeans or Asiatics. It is not at present proposed to institute a system of hawkers' and pedlars' licences. The poorest class of Indian traders will thus not be affected thereby.

5. The Government of India regret that they are unable to concur in the observations made in paragraph 30 of the Memorial in regard to indentured Indian labour in the Colonies. The principle which they have consistently observed in this matter is that the Indian labourer has a right to emigrate, and that he should not be prevented from proceeding to the Colonies under indenture provided that he is informed of the conditions to which he will be subject and that these conditions are such as Government can approve. I am to mention in this connection that the condition of Indian labourers in the Colonies is at present being enquired into by a representative of the Indian Government in conjunction with a non-official Indian gentleman, who will draw up a report on the subject.

6. The Government of India do not fail to appreciate the spirit which has led the citizens of Bombay to prepare this Memorial on behalf of their fellow Indians in other parts of the Empire. Many of the subjects dealt with in the Memorial are already receiving their most careful consideration. The citizens of Bombay may rest assured that all matters affecting the welfare of Indians in the Dominions and Colonies engage, and will continue to engage, the earnest attention of His Majesty's Government.

45

CO / 886 / 6 / 2

Printed for the use of the Imperial Conference Secretariat.

Dominions

No. 45.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[July, 1912, to December, 1913.]

RELATING TO THE

IMPERIAL CONFERENCE.

(In continuation of Dominions No. 39 ; continued by Dominions No. 51.)

IMPERIAL CONFERENCE SECRETARIAT,

October, 1914.

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(RESOLUTION I): CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
1	To Foreign Office...	Confidential.	February 17	Presumes that, in accordance with established practice, the existing Treaty of Arbitration with the United States will not be renewed nor a fresh Treaty concluded without prior consultation with Canada, and expresses the opinion that all the other self-governing Dominions must in the future be treated on the same footing as Canada in respect to arbitration arrangements with the United States.	1
2	Foreign Office	Confidential.	March 10	Submits arguments against the Colonial Office representations with regard to the consultation of the Dominions respecting arbitration treaties; but expresses readiness to concur in the proposal to consult the Dominions with regard to the renewal of the Arbitration Treaty of 1908 with the United States if the Secretary of State considers that the renewal of existing treaties is included in the undertaking given by His Majesty's Government at the Imperial Conference of 1911 and that the interests of the Dominions are not already sufficiently guarded.	1
3	To Foreign Office...	—	March 26	Observes that the Secretary of State is clearly of opinion that consultation is required by the spirit of the Imperial Conference Resolution even if not by the letter, and that the existence of the reservation clause is not sufficient reason for dispensing with consultation.	2
4	Foreign Office	—	May 8	Sees no objection to the Dominions Governments being informed confidentially that the question of renewing the Arbitration Treaty of 1908 is being considered with the United States Government.	2
5	To the Governors-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram, Confidential.	May 13	Requests that Ministers be informed that the Arbitration Treaty with the United States of 3rd August, 1911, not having been ratified His Majesty's Government are considering with the United States Government the question of extending for a further term the existing Treaty.	2

1. Consultation of Dominions as to International Agreements—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
6	Foreign Office ...	—	1913. May 17	Transmits a copy of a telegram from His Majesty's Ambassador at Washington reporting that he has informed the United States Government that His Majesty's Government are in favour of the proposed Peace Commission and will readily renew the existing Treaty, and enquires whether this telegram should be repeated to the Canadian Government or whether the Secretary of State considers it undesirable that the Canadian Government should be thus placed in a special position on a subject about which it is proposed to consult all the Dominions.	3
7	Ditto ...	Confidential.	May 17	Transmits copies of a telegram from His Majesty's Ambassador at Washington reporting the suggestion of the Acting Secretary of State that the renewal of the Arbitration Treaty should be submitted to the Senate without comment, and of the reply concurring in this view.	3
8	Ditto ...	—	May 21	Agrees that the Dominions should be consulted with regard to any proposal which the United States Government may make for a system of International Commissions of Enquiry for the investigation of matters in dispute between this country and the United States.	4
9	To Foreign Office ...	—	May 21	Concurs in the proposal to repeat to the Acting Governor-General of Canada the telegram enclosed in No. 6, and states that in doing so reference should be made to No. 5.	4
10	Foreign Office ...	—	May 27	Transmits a copy of a telegram from His Majesty's Ambassador at Washington reporting the willingness of the United States Government to renew for five years the Arbitration Treaty of 1908, and encloses a draft reply.	5
11	Ditto ...	—	May 29	Transmits copies of telegraphic correspondence with His Majesty's Ambassador at Washington regarding the signing of the new Arbitration Treaty.	7
12	Ditto ...	—	May 30	Transmits, with reference to No. 10, copies of telegrams from His Majesty's Ambassador at Washington suggesting that the Arbitration Treaty should agree in terms with those of other Powers; states that, in view of these telegrams, it is proposed to abandon the formal alterations in the agreement suggested in No. 10.	7
13	To Foreign Office ...	—	May 31	Concurs in the proposed reply enclosed in No. 10, and forwards a draft telegram to the Dominions informing them of the decision in the matter.	8

1. Consultation of Dominions as to International Agreements—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
14	To the Governors-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	1913. June 2	Informs them that His Majesty's Ambassador at Washington signed on the 31st May a Convention renewing the existing Arbitration Treaty with the United States Government for the period of five years.	8
15	Foreign Office ...	—	June 20	Transmits a copy of a despatch from His Majesty's Embassy at Washington forwarding a copy of the Agreement with the United States Government extending the duration of the Arbitration Convention of 1908 for a further period of five years.	9
16	To the Governors-General and Governors.	Canada, 481; Australia, 366; New Zealand, 236; Union of South Africa, 272; Newfoundland, 158.	June 27	Transmits a copy of the enclosure in No. 15 and states that the Agreement has not yet been approved by the United States Senate.	10
17	Foreign Office ...	—	August 22	Observes that the Arbitration Agreement with France expires on the 14th October next; proposes to invite the French Government to renew the same for a further period of five years; requests that, should the Secretary of State desire to consult the Dominions, this may be done by telegraph; and adds that the similar Agreement with Colombia will require renewal before 30th December next.	10
18	To the Governors-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	September 8	Informs them that the Arbitration Agreements with France and Colombia will shortly expire; assumes that Ministers share His Majesty's Government's views that these agreements should not be allowed to lapse, and proposes, therefore, to secure renewal for a further period of five years in each case.	11
19	To Foreign Office ...	—	September 8	Transmits a copy of No. 18 and requests that the various Governments may have time to offer observations before any definite steps are taken in the matter.	11
20	The Governor ...	Newfoundland, Telegram.	(Rec. Sept. 12)	Reports that his Ministers concur in the renewal of the Treaties as proposed in No. 18.	11
21	Foreign Office ...	—	September 16	Proposes, in future, to notify the Colonial Office six months ahead of the date of expiration of any arbitration agreement in order that the question of its renewal may be discussed with the Dominions; and, in accordance with this rule, observes that the Arbitration Agreements with Italy and Spain are due to expire respectively on February 1st, 1914, and February 27th, 1914.	11

1. Consultation of Dominions as to International Agreements—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
22	The Governor ...	New Zealand, Telegram.	(Rec. Sept. 16)	Reports that his Government concurs in the views expressed in No. 18.	12
23	The Governor-General.	Australia, Telegram.	(Rec. Sept. 16)	Reports that his Government heartily concurs in the decision conveyed in No. 18.	12
24	The Acting Governor-General.	Canada, Telegram.	(Rec. Sept. 17)	States that the Government of Canada concurs in the action proposed in No. 18.	12
25	To Foreign Office ...	—	September 20	Transmits a copy of No. 24; concurs in the suggestion that in future the question of renewal of Arbitration Agreements should be raised six months before the date of expiration, and proposes to inform the Dominions that His Majesty's Government propose to renew the Arbitration Agreements with Italy and Spain, which are due to expire on the 1st and 27th of February, 1914.	13
26	To the Governors-General and Governors.	Canada, 751; Australia, 576; New Zealand, 588; Union of South Africa, 416; Newfoundland, 262.	October 3	States that His Majesty's Government propose to renew in due course the Arbitration Agreements with Italy and Spain, which are due to expire on February 1st, 1914, and February 27th, 1914.	13
27	The Governor-General.	Union of South Africa, Telegram.	(Rec. Oct. 9)	States, in reply to No. 18, that his Ministers share the views of His Majesty's Government as to renewal.	13
28	Ditto ...	Union of South Africa, 627.	October 2 (Rec. Oct. 21.)	Transmits, with reference to No. 18, a minute from Ministers expressing concurrence in the desirability of renewing the Agreements.	14

2.

(RESOLUTION IV.): UNIFORMITY IN THE LAW OF COPYRIGHT, PATENTS, TRADE MARKS, AND COMPANIES.

(For other correspondence as to the Law of Copyright see Dominions Nos. 34 and 49.)

1912.					
29	The Governor ...	New Zealand, 87.	June 12 (Rec. July 29.)	Transmits copy of a minute from the Prime Minister recommending that the offer of His Majesty's Government to furnish further information be gratefully acknowledged.	15
30	Ditto ...	Newfoundland, 81.	October 21 (Rec. Nov. 5.)	Transmits copy of a letter from the Colonial Secretary stating that the Government exercised its right to refuse the application for a patent made by Mr. Cohoe.	15
31	To the Governor ...	Newfoundland, 236.	November 22	Requests that Ministers should consider the possibility in the near future of a revision of the law of patents in Newfoundland so as to bring it into greater uniformity with the Imperial Act and with the laws of the other Dominions.	16

2. Uniformity in Copyright Law, &c.—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
32	To the Governors-General and Governors.	Canada, 176; New Zealand, 93; Union of South Africa, 96; Newfoundland, 67.	March 6	Transmits copies of Act 19 of 1912 of Australia, entitled "An Act to amend the Trade Marks Act, 1905."	17
33	Ditto ...	Canada, 712; Australia, 534; New Zealand, 356; Union of South Africa, 382; Newfoundland, 243.	September 18	Transmits copies of "An Act to amend the provisions of the Companies (Consolidation) Act, 1908, with respect to Private Companies," together with copies of an explanatory memorandum.	17
34	To the Governors...	New South Wales, 153; Victoria, 117; Queensland, 105; South Australia, 96; Western Australia, 106; Tasmania, 97.	September 18	Ditto ditto ...	17

3.

(RESOLUTION V.): INTERNATIONAL EXHIBITIONS.

1912.					
35	Board of Trade ...	—	July 2	Encloses copies of draft instructions to the delegates of His Majesty's Government at the Berlin Conference, together with an explanatory memorandum; suggests that these should be communicated to the Dominion Governments, and that, in the meantime, a meeting of Agents-General and High Commissioners in London should be held to discuss the position of the Dominions in regard to the Conference.	19
36	To Governors-General and Governors.	Canada, Australia, New Zealand, Union of South Africa, Newfoundland, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, (Confidential).	July 6	Transmits copy of the enclosures in No. 35 and asks for the observations of Ministers.	35
37	To the High Commissioner for Canada.	Confidential.	July 16	Invites attendance at the discussion respecting the question of international exhibitions on the 26th of July.	35

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1912.		
38	To the High Commissioners, Agents-General, etc., of the self-governing Dominions.	Confidential.	July 16	Invites attendance at the discussion respecting the question of international exhibitions on the 26th of July.	36
39	To Board of Trade	—	July 16	Transmits copies of Nos. 36, 37, and 38, and points out that as the High Commissioner, &c., will not by the date of the proposed discussion have received instruction from their Governments they will only be in a position to discuss the matter generally.	37
40	To Governors-General and Governors.	Canada, Australia, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, Union of South Africa, New Zealand, Newfoundland, (Confidential.)	August 9	Transmits, for information of Ministers, copy of minutes of a Conference between the Colonial Office, Board of Trade, and Agents-General. [To Australia and the States: Observes that if representation of Australia at the International Conference is desired, representation must be of the Commonwealth.]	37
41	To Foreign Office...	—	August 12	Conveys Mr. Harcourt's views as to the representation of the self-governing Dominions at the Berlin Conference.	46
42	To Board of Trade	—	August 12	Transmits copies of Nos. 40 and 41 ...	47
43	Board of Trade ...	—	August 24	Suggests, in reply to No. 42, that it would be desirable to await the decision of the Dominions as to whether they desire separate representation.	47
44	To Board of Trade	—	September 2	Considers, in reply to No. 43, that, in the circumstances stated, it should be ascertained whether the German Government accept the solution of the difficulty on the lines laid down in No. 41.	48
45	To Foreign Office...	—	September 2	Transmits copy of No. 44 ...	48
46	To Governor-General of Australia and the Governors of the Australian States and New Zealand.	Telegram	September 3	Intimates that a Memorandum as to the Conference on International Exhibitions is being sent by despatch, to which, and to No. 36, a reply by telegraph is requested.	49
47	To the Governors-General and Governor.	Canada, Union of South Africa, Newfoundland, Telegram.	September 3	Requests early replies to Nos. 36 and 40	49

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
			1912.		
48	The Acting Governor-General.	Union of South Africa, Telegram, Confidential.	September 4 (Rec. Sept. 4.)	Reports that Ministers do not desire to be represented at the Conference, but agree generally with the line of action proposed to be taken by the delegates from the United Kingdom.	49
49	The Governor ...	Newfoundland, Telegram.	(Rec. Sept. 4)	Reports, in reply to No. 47, that Ministers have no observations to make and do not propose to take part in the Conference.	49
50	Board of Trade ...	—	September 6	Acknowledges No. 44 and fears that it would be impracticable at this late stage to approach the German Government with a view to a reduction in the status of the Conference.	50
51	Foreign Office ...	—	September 7	Fears that at this late hour there would be no possibility of inducing the German Government to agree to alter the status of the Conference as suggested in No. 41.	50
52	The Governor ...	Victoria, Telegram.	(Rec. Sept. 10)	Reports that Ministers have no comments to make on the enclosure in No. 36 and are prepared to be represented at the Conference by the nominee of the Commonwealth.	50
53	Ditto ...	Western Australia, Telegram.	(Rec. Sept. 11)	States that Ministers adhere to their view that, so far as direct representation of the State at the Conference is concerned, they are prepared to leave the matter in the hands of the Imperial Government.	51
54	To Foreign Office...	—	September 13	Enquires, in reply to No. 51, whether full powers should be granted to any Dominion representative appointed to attend the Conference, and suggests that the German Government should be informed that there may be some Dominion representatives, and that it is presumed that invitations will be issued to them.	51
55	The Governor ...	New South Wales, Telegram.	(Rec. Sept. 19)	States that Ministers do not propose to offer any observations as the questions to be raised at the Conference concern the Commonwealth rather than New South Wales.	51
56	Ditto ...	Queensland, Telegram.	(Rec. Sept. 19)	Reports that the Government of Queensland does not intend to be represented either directly or indirectly at the Conference.	51
57	Ditto ...	New Zealand, Telegram.	(Rec. Sept. 19)	States that his Government concurs in the draft instructions to the delegates of His Majesty's Government and in the observations on the Agenda and on the proposal of the German Government, and is content to be represented at the Conference by the delegates of the Imperial Government.	52

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
58	Foreign Office ...	—	September 24	Considers that if the Dominions are to be represented at the Conference and are to have full freedom of action the grant of full powers is as necessary in this case as in that of the Radio-telegraphic Convention; adds that situation is being explained to German Government, who will be asked whether they are prepared to extend a separate invitation to any Dominion desiring to be represented.	52
59	Ditto ...	—	September 25	Transmits copy of a telegram from Berlin reporting that German Government have no objection to the participation of the Dominions in the Conference with separate full powers, but suggesting that question of separate vote should be decided at the Conference itself; proposes to concur in this arrangement.	52
60	The Governor-General.	Australia, Telegram, Confidential.	(Rec. Sept. 25)	States that the Commonwealth Government concur in the draft instructions to the delegates of His Majesty's Government and do not desire to be separately represented; they understand that the question of the adherence of Australia to the Convention is reserved until the full text is available.	53
61	The Governor ...	Tasmania, Telegram.	(Rec. Sept. 27)	States that Ministers will approve any action being taken by the Commonwealth Government.	53
62	To the Governor-General.	Canada, Telegram.	September 30	Informs him that the other Dominions do not desire to be separately represented at the Conference and asks for immediate reply to No. 47.	53
63	The Deputy Governor-General.	Canada, Telegram.	September 30 (Rec. Oct. 1.)	States that Ministers concur in draft instructions to delegates of His Majesty's Government, but consider that it is, for the present, unnecessary that Canada should be represented at the Conference.	54
64	To Foreign Office ...	—	October 2	Transmits copies of Nos. 60, 61 and 63, and suggests that the German Government be informed that none of the self-governing Dominions desire representation at the Conference.	54
65	The Governor ...	South Australia, Telegram.	(Rec. Oct. 3)	States that his Government concur in proposed instructions to British Delegates, but will not be represented at the Conference.	54
66	Ditto ...	Victoria, Confidential.	September 11 (Rec. Oct. 12.)	States that Ministers have cancelled the instructions already issued to the Agent-General and have consented to be represented at the Conference by the Commonwealth nominee.	55
67	Board of Trade ...	—	October 12	Forwards draft of instructions to Delegates, together with drafts of two Articles dealing with the application of any Convention to Imperial or Inter-Colonial Exhibitions and with the accession to the Convention of Colonies and self-governing Dominions.	55

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
68	The Acting Governor-General.	Union of South Africa, Confidential.	September 23 (Rec. Oct. 14.)	Transmits copy of a minute from Ministers stating that they have no observations to offer upon the points discussed in the enclosure in No. 40.	56
69	Foreign Office ...	—	October 15	Transmits copy of a telegram from His Majesty's Chargé d'Affaires at Berlin stating that the German Government propose to insert in the Convention Article 12 of the Radio-Telegraphic Convention; asks what answer should be returned.	57
70	Board of Trade ...	—	October 16	Transmits copy of a letter to the Foreign Office suggesting a reply to His Majesty's Embassy at Berlin agreeing to the principle of the German Government's proposal to insert a clause on the lines of Article 12 of the Radio-Telegraphic Convention.	57
71	Foreign Office ...	—	October 17	Transmits copy of a telegram from His Majesty's Chargé d'Affaires at Berlin, asking for a reply to the enclosure in No. 69, and enquiring whether the German proposal to insert Article 16 of the Radio-Telegraphic Convention can be agreed to.	58
72	To Foreign Office ...	—	October 17	Assumes, in reply to No. 71, that, as the first three paragraphs of Article 16 of the Radio-Telegraphic Convention are already in the German draft, the proposal is to add paragraph four, and states that there is no objection to this proposal provided the wording is altered as indicated.	59
73	Ditto ...	—	October 17	Gives reasons for which the Secretary of State is opposed to the adoption of the proposal by the German Government to include in the Convention an Article on the lines of Article 12 of the Radio-Telegraphic Convention.	59
74	To Board of Trade	—	October 17	Approves the draft Articles forwarded in No. 67 subject to the alterations shown on the enclosed copies; encloses copy of No. 73 and observes that the modifications suggested in No. 70 do not remove all Mr. Harcourt's objections.	60
75	Board of Trade ...	—	October 18	Concurs in the alterations in the draft clauses as forwarded in No. 74 subject to the omission, in the second, of the reference to the Island of Cyprus, and encloses copy of a revised version of draft telegram enclosed in No. 74.	61
76	Foreign Office ...	—	October 21	Transmits copy of a telegram from Lord Granville reporting that the President of the Conference now suggests that the Convention should provide only for the adherence or denunciation of any Colony, leaving out all mention of voting power, and strongly recommending this course.	62

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
77	To Foreign Office ...	—	October 21	Agrees, in reply to No. 76, to the delegates being authorized to accept the President's proposal, and states purport of No. 78 with regard to Cyprus.	62
78	To Board of Trade	—	October 21	Concurs in the Board's suggestions in No. 75 with regard to the omission of the reference to Cyprus from the draft clauses, and encloses copy of No. 77.	61
79	Board of Trade ...	Confidential.	November 27	Draws attention to the danger that the United Kingdom and other countries may be invited to participate in exhibitions held in Colonies which do not comply with the conditions of the Convention; observes that the Board will in general be indisposed to recommend the Treasury to make a financial grant in aid of participation of this country in any exhibition in such Colonies, and trusts that the Colonial Office will adopt a similar attitude towards any Colonial representation.	63
80	To Board of Trade	Confidential.	December 3	Agrees generally with the attitude of the Board of Trade as stated in No. 79, but reserves the right to consider each case on its merits as it arises.	64
81	To the Governors-General and Governors.	Canada, 854; Australia, 592; New Zealand, 377; Union of South Africa, 604; Newfoundland, 255.	December 13	Transmits copies of the Convention respecting International Exhibitions signed on October 26, with copies of the Protocol, and enquires whether, in the event of the Convention being ratified, Ministers would desire notification of adherence to be given on their behalf.	65
1913.					
82	The Governor ...	New Zealand, 63.	May 1 (Rec. June 7.)	States that, in the event of the Convention being ratified by His Majesty's Government, the New Zealand Government desire that notification of adherence be made in respect of New Zealand.	65
83	To Foreign Office ...	—	June 10	States that copies of the International Exhibitions Convention, and of the Report and Memorandum prepared by the British delegates, are being sent to the self-governing Dominions, and requests that when an International instrument containing a Colonial Article is signed in English the Article should provide for signature "in respect of," and not "on behalf of," the Dominion and that when it is signed in French the word "pour" may be translated as "in respect of" or "for," instead of "on behalf of."	65

3. International Exhibitions—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
84	Foreign Office ...	—	June 18	States, in reply to No. 83, that the alterations in the English translation of the Colonial Article in the International Exhibitions Convention will be made when the Treaty is eventually published, and that the Board of Trade, from whom the translation referred to was received, are being informed of Mr. Harcourt's wishes.	66
85	To Board of Trade	—	June 21	Transmits a copy of No. 82; observes that copies of the report and memorandum prepared by British delegates at the Conference have been sent to New Zealand, and suggests that the decision of the Dominion Government should not be treated as final for the present.	66
86	Foreign Office ...	—	July 23	Transmits a copy of a letter from the Board of Trade in which the views of the Colonial Office, expressed in No. 83, are noted.	67
87	The Governor-General.	Australia, Telegram.	(Rec. Dec. 5)	Reports that the opinions of State Governors as to the advisability of adhering to the Conference on International Exhibitions do not agree, and the Prime Minister considers that, to secure uniformity, the matter should stand over till the next Premiers' Conference, the date of which is not yet fixed.	67
88	To the Governor-General.	Australia, Telegram.	December 13	States, in reply to No. 87, that there is no objection to the postponement of a decision.	68

4.

(RESOLUTION VI.): VISITS OF CIVIL SERVANTS.

1913.					
89	To the Governors-General and Governors.	Australia, 740; New South Wales, 201; Queensland, 137; Victoria, 146; South Australia, 125; Western Australia, 133; Tasmania, 118; New Zealand, 452.	December 5	States that Sir H. Just will shortly leave on a visit to Australia and New Zealand, and requests that he may be given every facility for fulfilling the purpose of his visit.	69

5.

(RESOLUTION VII.): EMIGRATION.

1912.					
90	The Governor ...	New Zealand, 65.	May 22 (Rec. July 1.)	Transmits copy of memorandum from the Prime Minister stating that the question of co-operation with the British Labour Exchanges will be carefully considered, and that should it be deemed advisable to take advantage of the opportunity afforded steps will be taken on the lines suggested.	71

5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
91	The Governor ...	South Australia, 29.	May 28 (Rec. July 1.)	Reports that Ministers state that the emigration policy indicated by the Resolution of the Imperial Conference is in accord with their present policy.	71
92	To the Governors-General and Governors.	Canada, 446; Australia, 378; New South Wales, 97; Victoria, 87; Queensland, 76; South Australia, 72; Western Australia, 79; Tasmania, 67; New Zealand, 152; Union of South Africa, 318; Newfoundland, 131.	July 3	Transmits copies of despatches ...	72
93	The Governor-General.	Union of South Africa, 434.	June 26 (Rec. July 13.)	Transmits copy of a minute from Ministers expressing the opinion that the labour conditions at present existing in South Africa are not such as to give full scope to the primary duties for which the Labour Exchanges were established, and suggesting that notices should be issued by the Board of Trade in the United Kingdom warning persons against accepting positions in South Africa without previous enquiry.	72
94	The Governor ...	Queensland, 20.	June 4 (Rec. July 15.)	Transmits copy of a minute by the Director of Labour, approved by the Premier, recommending no action.	73
95	To the Governors-General and Governors.	Canada, 486; Australia, 391; New South Wales, 102; Victoria, 93; Queensland, 81; Tasmania, 71; Western Australia, 83; New Zealand, 209; Union of South Africa, 339; Newfoundland, 144.	July [17] [18]	Transmits copy of No. 91 ...	74
96	The Governor ...	Queensland, 21.	June 14 (Rec. July 22.)	Appends list of numbers of the British emigrants who arrived in Queensland during the last five years, from which it is plain that the State is doing its share in the direction of encouraging British emigrants to proceed to British Dominions.	74
97	To Board of Trade	—	July 30	Encloses copies of Nos. 94 and 93 and suggests that a better way of meeting the wishes of the Union Government would be to notify through the Emigrants' Information Office that intending emigrants should consult the High Commissioner in London before accepting offers of employment.	75

5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
98	To Governors-General and Governors.	Canada, 524; Australia, 325; New South Wales, 106; Victoria, 96; South Australia, 76; Western Australia, 67; Tasmania, 74; New Zealand, 227; Union of South Africa, 372; Newfoundland, 159.	August 2	Transmits copy of No. 96 ...	76
99	The Governor-General.	Canada, 423.	July 24 (Rec. Aug. 7.)	Transmits copy of a Minute of the Privy Council stating that the procedure described in the Secretary of State's despatch of February 7 is quite satisfactory to Ministers and agreeing to its continuance, and asking to be supplied with information on points specified.	76
100	The Governor ...	Western Australia, 56.	September 9 (Rec. Oct. 7.)	Transmits copy of a Minute from the Prime Minister stating that he has nothing to add, but that the Agent-General in London has been asked to inform the Secretary of State whether the practice referred to in the Board of Trade letter is in operation so far as the London Office of Western Australia is concerned, and, if so, whether it is proving satisfactory.	77
101	To Board of Trade	—	October 16	Transmits copy of No. 100 ...	78
102	The Governor ...	Western Australia, 61.	October 5 (Rec. Nov. 4.)	Reports that Ministers advise that efforts to induce immigration have been almost solely confined to the British Isles, from which practically all the State-aided immigration to Western Australia has come; gives figures for 1907 to 1912.	78
103	Board of Trade ...	—	November 5	Concurs, in reply to No. 97, in the proposal that any warning notice issued to intending emigrants should be in the form suggested and should be inserted in the publications of the Emigrants' Information Office rather than advertised through the Labour Exchanges.	79
104	Ditto ...	—	November 6	States, with reference to No. 99, that arrangements are being made to forward at half-yearly intervals a return of vacancies notified to the Labour Exchanges by Canadian employers for the confidential information of the Minister of Labour.	79
105	To the Governor-General.	Union of South Africa, 515.	November 13	Expresses opinion, in reply to No. 93, that a more convenient way of meeting the wishes of his Government would be to insert in the publications of the Emigrants' Information Office a warning that intending emigrants should, in cases of doubt, refer to the High Commissioner for information.	80

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5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
106	To the Governor-General.	Canada, 775.	November 13	Informa him, that arrangements are being made to forward at half-yearly intervals, for the confidential information of the Minister of Labour, a return of vacancies notified to the Labour Exchanges by Canadian employers.	80
107	To the Governors-General and Governors.	Canada, 863; Australia, 536; New South Wales, 163; Victoria, 143; Queensland, 132; South Australia, 115; Tasmania, 116; New Zealand, 379; Union of South Africa, 606; Newfoundland, 237.	December 18	Transmits a copy of No. 102	81
108	The Governor ...	Victoria, 71.	November 25 (Rec. Dec. 30.)	States that the proposals of the Board of Trade will be brought under the notice of the Immigration Officers in England to ascertain whether the State can advantageously co-operate now or at some later period.	81
1913.					
109	The Agent-General for Western Australia.	—	January 21	Observes that the existing system would appear to be sufficient for all requirements; but that, in the case of skilled artisans, the Labour Exchanges could probably give material assistance.	81
110	The Governor-General.	Union of South Africa, 6.	January 6 (Rec. Jan. 25.)	Forwards a copy of Ministers' minute agreeing to the proposals in No. 103.	82
111	To Board of Trade	—	January 31	Transmits a copy of No. 103 and requests observations.	83
112	To the Emigrants' Information Office.	—	February 13	Transmits a copy of No. 110 and requests that steps may be taken for the issue of the proposed notice.	83
113	To Board of Trade	—	February 13	Transmits a copy of No. 110 and states that the Emigrants' Information Office has been asked to take steps for the issue of the proposed notice.	83
114	The Governor ...	New South Wales, 42.	March 4 (Rec. April 7.)	States that Ministers have no objection to their representatives in London conferring with representatives of the Colonial Office and Board of Trade with reference to the utilization of the Labour Exchanges, and that instructions have been issued accordingly; points out, however, that there is little likelihood of workers of the class required for New South Wales being procured through the Labour Exchanges, and therefore that co-operation with these establishments is impossible for the present, at any rate.	84

xvii
5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
115	Colonel the Hon. J. Allen (New Zealand Minister of Finance).	New Zealand.	April 8	Enquires whether the Board of Trade would assist in obtaining emigrants in the way indicated.	84
116	To Board of Trade	—	April 11	Transmits a copy of No. 115 and enquires what reply should be returned.	85
117	Ditto	—	April 11	Transmits, for observations, a copy of No. 114.	85
118	Board of Trade ...	—	April 21	States, in reply to No. 116, that the Board are prepared to circulate throughout Labour Exchanges particulars of vacancies notified to them by the New Zealand Government and to bring such vacancies to the notice of suitable applicants; but that the Labour Exchanges are precluded from dealing with vacancies for domestic servants.	85
119	Ditto	—	April 25	States, in reply to No. 117, that whilst the Labour Exchanges are precluded from dealing with vacancies for domestic servants, it might be possible to render assistance with regard to vacancies for rural workers; considers a Conference would be useful and nominates a representative.	86
120	To Board of Trade	—	May 8	Presumes that any facilities given to New Zealand will be extended to any other Dominion; doubts advisability of proceeding further so far as New South Wales is concerned; considers that there is a danger of encouraging the emigration from this country of agricultural labourers and others whose emigration is not desired by His Majesty's Government, and states that the Board of Agriculture and Fisheries is, therefore, being consulted before the matter is proceeded with further.	86
121	To Board of Agriculture and Fisheries.	—	May 8	Transmits copies of Nos. 116, 118, 114, 117, and 120, and requests observations.	87
122	To Local Government Board.	—	May 8.	Transmits copies of correspondence on the subject of the utilization of the Labour Exchanges for the purpose of filling vacancies in the self-governing Dominions.	87
123	Board of Agriculture and Fisheries.	—	May 21	Forwards a copy of a letter from the High Commissioner for New Zealand enquiring whether it is intended to take any steps to train lads on farms in this country with a view to their taking up the work in New Zealand, and suggests that the matter should be dealt with by the Colonial Office.	87
124	Board of Trade ...	—	May 30	Notes that a copy of the correspondence has been forwarded to the Board of Agriculture and Fisheries for observations, and awaits a further communication from the Colonial Office.	88

5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
125	Board of Agriculture and Fisheries.	—	June 5	States, in reply to No. 121, that it appears to the Board to be very questionable whether increased efforts should be made by the State to encourage the emigration of skilled agricultural labourers from this country; suggests that any conference on the subject indicated in No. 119 might conveniently be enlarged in scope so as to include methods alternative to Labour Exchanges of selecting emigrants for the oversea Dominions, such as the farm-training of lads in this country, with a view to their taking up farm-work in the Dominions.	88
126	To the High Commissioner for New Zealand.	—	June 6	Inform him, in reply to his letter enclosed in No. 123, that pending the final report of the Dominions Royal Commission the Secretary of State does not propose to invite His Majesty's Government to consider any such steps as are suggested.	89
127	To Board of Agriculture and Fisheries.	—	June 6	Transmits a copy of No. 126 and refers to the reply returned to the question in the House by Sir C. Kinloch-Cooke on the 16th January last.	89
128	Ditto ...	—	June 14	Refers, in reply to No. 125, to No. 127, and proposes to inform the Board of Trade that Mr. Harcourt considers that it is not desirable for the Labour Exchanges to undertake the work of facilitating the emigration of rural labourers, at any rate pending the report of the Royal Commission.	90
129	To Local Government Board.	—	June 14	Transmits copies of Nos. 125 and 128 ...	90
130	Board of Agriculture and Fisheries.	—	June 20	Concurs in the proposal in No. 128 ...	90
131	To Board of Trade	—	July 3	Transmits copies of Nos. 125, 128, and 130, and enquires whether the Board concurs in the view expressed therein that it is not desirable for the Labour Exchanges to undertake the work of facilitating the emigration of rural labourers, at any rate pending the report of the Dominions Royal Commission, and to the Government of New Zealand being informed that it is not at present possible to decide whether the Labour Exchanges can be utilized in the way suggested by Colonel Allen.	91
132	Board of Trade ...	—	July 29	Observes, in reply to No. 131, that it would be difficult to refuse to the Dominion Governments assistance which is granted to private employers, and suggests alternative reply to New Zealand pending the report of the Royal Commission.	91

5. Emigration—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
132	To the Governor ...	New Zealand, 297.	August 7	Transmits copy of No. 115 and requests him to inform Ministers that, while the Labour Exchanges would be prepared to bring to the notice of applicants such vacancies as exist in New Zealand, it would be premature to arrange a formal scheme of co-operation pending the Report of the Dominions Royal Commission.	92
134	To Board of Trade	—	August 7	Transmits a copy of No. 133 ...	92
135	To Local Government Board and Board of Agriculture and Fisheries.	—	August 7	Transmits copies of Nos. 132, 133, and 134.	92

6.

(RESOLUTION VIII): PROVISION FOR DESERTED WIVES AND CHILDREN.

1912.					
136	Treasury ...	—	July 11	States that the Parliamentary Counsel has been instructed to place himself in communication with the Colonial Office with a view to drawing the Bill.	93

7.

(RESOLUTION IX): COURT OF APPEAL.

1912.					
137	To the Governors-General and Governors of the self-governing Dominions.	Telegram	July 3	States that His Majesty's Government propose to submit an Order in Council allowing a member of the Judicial Committee dissenting from a judgment to publish his dissent and the grounds therefor; asks whether Ministers concur in this proposal.	95
138	To Privy Council Office.	—	July 4	States that a telegram has been addressed to the Dominions asking for their concurrence in the terms of the draft Order in Council.	95
139	The Acting Governor-General.	Canada, 531.	October 10 (Rec. Oct. 21.)	Transmits copies of an approved Minute of the Privy Council expressing the view that no change should be made in the present practice not to publish dissenting opinions in the Judicial Committee.	96
140	To Privy Council Office.	—	November 5	States that, with the exception of Canada, all the Dominions and State Governments have expressed concurrence in the proposed Order in Council; encloses copy of No. 139 and proposes to communicate this despatch to the other Governments concerned and to obtain their views on the question before the Order is proceeded with.	97
141	Privy Council Office	—	November 13	Concurs in the course proposed in No. 140 and states that the Lord Chancellor also concurs.	97

7. Court of Appeal—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
142	To the Governors-General and Governors.	Canada, 786; Australia, 482; New South Wales, 154; Victoria, 123; Queensland, 122; South Australia, 108; Western Australia, 125; Tasmania, 106; Union of South Africa, 536; New Zealand, 341; Newfoundland, 234.	November 15	Transmits copies of the Appellate Jurisdiction Bill as re-introduced into the House of Commons.	98
143	Ditto ...	Australia, 488; New South Wales, 156; Victoria, 125; Queensland, 124; South Australia, 110; Western Australia, 130; Tasmania, 108; Union of South Africa, 564; New Zealand, 347; New- foundland, 235.	November 21	Transmits copy of No. 139 and proposes to postpone taking further action pending an expression of the wishes of Ministers on this question.	98
144	To the Governor-General.	Canada, 799.	November 21	States that, in view of the important considerations urged in No. 139, the views of the Governor-General and Governors of the other Dominions and States are being obtained on the question, and encloses copy of No. 143.	99
145	The Governor ...	New Zealand, Confidential.	November 15 (Rec. Dec. 21.)	Transmits a copy of a memorandum from the Prime Minister suggesting Sir Joshua Williams as the representative of New Zealand on the Judicial Committee of the Privy Council.	99
1913.					
146	To Privy Council Office.	—	January 13	Transmits a copy of No. 145 and requests observations thereon.	100
147	Privy Council Office	—	February 7	States that the Lord Chancellor suggests, as a solution of the difficulty, the amendment of the Judicial Committee Amendment Act, 1895, increasing the number of persons who may be appointed under Section 1 (2) to six or seven, and adds that it has been suggested that the opportunity should be taken to amend Section 1 (1) so as to provide for a more even distribution of the number among the Dominions.	100

7. Court of Appeal—(contd.)

1913.					
148	The Governor-General.	Union of South Africa, 61.	January 29 (Rec. Feb. 17.)	Encloses, with reference to No. 143, a copy of a Ministers' Minute expressing the opinion that members of the Judicial Committee of the Privy Council who dissent from the judgment of that body should be accorded an opportunity of publicly stating the reasons for their dissent.	101
149	The Governor ...	Western Australia, 11.	January 24 (Rec. Feb. 24.)	States, with reference to No. 143, that his Ministers are convinced of the soundness and wisdom of the views of the Canadian Minister for Justice.	101
150	Ditto ...	New Zealand, 18.	February 7 (Rec. Mar. 15.)	Transmits, in reply to No. 143, a copy of a memorandum from the Prime Minister stating that Ministers are of opinion that the practice hitherto followed should not be departed from.	102
151	Ditto ...	Newfoundland, 24.	February 26 (Rec. Mar. 22.)	Transmits, in reply to No. 143, a copy of a letter from the Colonial Secretary stating that Ministers are of opinion that the present practice should not be altered.	103
152	Ditto ...	South Australia, 10.	March 5 (Rec. April 7.)	Forwards copies of minutes by the Chief Justice recommending the concurrence of the Government to the Resolution of the Imperial Conference, together with copies of minutes by the Attorney-General and the Acting Premier showing that Ministers concur in the views expressed by the Chief Justice.	103
153	To the Governors-General and Governors.	Canada, 264; Australia, 212; New South Wales, 61; Victoria, 43; Queensland, 42; South Australia, 36; Western Australia, 47; Tasmania, 46; New Zealand, 130; Union of South Africa, 152; Newfoundland, 85.	April 9	Transmits copies of Nos. [148], [149], and [150].	103
154	To Privy Council Office.	—	April 12	Transmits copies of Nos. 148 to 152 ...	105
155	The Governor ...	Tasmania, 13.	March 8 (Rec. April 14.)	Transmits, in reply to No. 143, a communication from the Premier intimating that Ministers now agree with the views expressed by the Privy Council of Canada on this subject.	105
156	The Acting Governor-General.	Canada, Telegram.	(Rec. April 17)	States that Ministers would be glad to receive as soon as possible a copy of the Appellate Jurisdiction Bill as introduced by the Lord Chancellor on the 15th April, together with a copy of his speech; they trust that they will have an opportunity to make any suggestions or observations thereon.	106

7. Court of Appeal—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
157	To the Governors-General and Governors.	Australia, 233; New South Wales, 67; Victoria, 47; Queensland, 46; South Australia, 39; Western Australia, 49; Tasmania, 44; New Zealand, 149; Union of South Africa, 168; Newfoundland, 99.	April 18	Transmits a copy of the Appellate Jurisdiction Bill as introduced in the House of Lords together with a copy of proposed amendments.	106
158	To the Governor-General.	Canada, 310.	April 19	Transmits a copy of the Appellate Jurisdiction Bill as introduced in the House of Lords, together with a copy of proposed amendments, and explains the changes which have been made in the Bill since the draft of 1912 was forwarded.	107
159	To the Governor-General and Governor.	Australia, New Zealand, Telegram.	April 22	Requests that Ministers be informed that the Bill enclosed in No. 157 differs from that enclosed in No. 142 by the amendment indicated, which is intended to carry out the undertaking given to the Prime Minister of New Zealand at the Imperial Conference of 1911.	107
160	To the Governors and Governor-General.	New South Wales, 68; Victoria, 49; Queensland, 48; South Australia, 42; Western Australia, 61; Tasmania, 45; Union of South Africa, 173; Newfoundland, 101.	April 23	Explains the reasons for the changes made in the Bill since the draft of 1912 was forwarded.	108
161	To the Governors and Governors-General.	Canada, 317; Australia, 246; New South Wales, 70; Victoria, 51; Queensland, 50; South Australia, 44; Western Australia, 59; Tasmania, 47; New Zealand, 156; Union of South Africa, 180; Newfoundland, 104.	April 25	Transmits copies of Nos. 151, 152, and 155.	108

7. Court of Appeal—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
162	The Governor ...	New South Wales, 74.	April 24 (Rec. June 2.)	States that both the Council of the Bar and the Incorporated Law Institute of New South Wales have expressed the opinion that it would be more advantageous if the practice heretofore followed by the Privy Council should continue, and that Ministers are not now in favour of the proposed alteration.	109
163	To the Governors-General and Governors.	Canada, 488; Australia, 377; Victoria, 80; Queensland, 78; South Australia, 64; Western Australia, 77; Tasmania, 62; New Zealand, 210; Union of South Africa, 281; Newfoundland, 161.	June 30	Transmits a copy of No. 162 ...	109
164	The Governor ...	Victoria, 43.	June 25 (Rec. July 28.)	States that Ministers, upon reconsideration of the subject, agree with the views expressed by the Canadian Government.	109
165	To Privy Council Office.	—	August 14	Transmits a copy of No. 164 ...	110
166	To the Governors-General and Governors.	Canada, 618; Australia, 468; New South Wales, 136; Queensland, 92; South Australia, 79; Western Australia, 94; Tasmania, 66; New Zealand, 307; Union of South Africa, 340; Newfoundland, 211.	August 14	Transmits copies of No. 164 ...	110
167	The Governor ...	Western Australia, 54.	July 24 (Rec. Aug. 25.)	States that Ministers consider that the present practice, viz.: that reasons of the judges should be individually expressed, and that dissentient opinions should also be published, should be continued.	110
168	To the Governor ...	Western Australia, 103.	September 5	Points out, in reply to No. 167, that opinions of dissentient members of the Judicial Committee have not hitherto been published, and that the existing practice is to deliver and publish a single judgment; and observes also that in No. 149 it was reported that Ministers were opposed to the publication of dissenting opinions.	111

7. Court of Appeal—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
169	To the Governors-General and Governors.	Canada, 711; Australia, 533; New South Wales, 152; Victoria, 116; Queensland, 104; South Australia, 95; Western Australia, 105; Tasmania, 96; New Zealand, 355; Union of South Africa, 381; Newfoundland, 244.	September 18	Transmits copies of the Appellate Jurisdiction Act, 1913.	111
170	The Governor ...	New Zealand, Telegram, Confidential.	(Rec. Sept. 25)	Enquires, on behalf of his Prime Minister, whether it has now been definitely decided to appoint a judge of the Supreme Court of New Zealand to be a member of the Judicial Committee of the Privy Council, and, if so, whether the person named in No. 145 will be acceptable.	113
171	To the Governor ...	New Zealand, Telegram.	October 18	States that His Majesty has been pleased to direct that Sir Joshua Williams shall be sworn of the Privy Council.	113
172	The Governor ...	New Zealand, Telegram.	(Rec. Oct. 23)	Enquires, with reference to No. 171, whether the appointment has been made under the Appellate Jurisdiction Bill, whether it will necessitate Sir Joshua Williams residing permanently in the United Kingdom, and, if so, when his presence will be required in England.	113
173	To Privy Council Office.	—	October 25	Transmits copies of Nos. 170, 171, and 172, and states terms of proposed answer.	113
174	To the Governors-General and Governors.	New South Wales, 181; Victoria, 132; Queensland, 120; South Australia, 113; Western Australia, 121; Tasmania, 108; Canada, 816; Australia, 865; New Zealand, 429; Union of South Africa, 467; Newfoundland, 304.	October 31	Forwards extracts from the London Gazette regarding the appointment of Lord Dunedin and Sir John Andrew Hamilton to be Lords of Appeal in Ordinary under the Appellate Jurisdiction Act, 1913, and adds that Sir Joshua Williams is to be a member of the Privy Council, and will therefore become a member of the Judicial Committee.	114
175	The Governor ...	Queensland, 72.	October 16 (Rec. Nov. 22)	Forwards a copy of a letter from the Prime Minister stating that the Government is not in favour of a change in the procedure hitherto adopted.	114

7. Court of Appeal—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
176	To the Governors-General and Governors.	Canada, 917; Australia, 743; New South Wales, 203; Victoria, 143; South Australia, 126; Western Australia, 134; Tasmania, 119; New Zealand, 486; Union of South Africa, 542; Newfoundland, 313.	December 9	Transmits a copy of No. 175 ...	115
177	To Privy Council Office.	—	December 11	Ditto ...	115
178	The Governor-General.	Australia, 264.	November 11 (Rec. Dec. 15.)	States that, for the reason that dissenting judges would have the right to individual expression of opinion while judges in the majority would not, the Commonwealth Government do not concur in the proposed change.	116

8.

(RESOLUTION X): NATURALIZATION.

1912.					
179	The Governor-General.	Australia, Telegram.	(Rec. July 15)	Reports that his Government is prepared to adopt the measure in its present form.	117
180	To the Governor-General.	Canada, Telegram.	September 16	Requests views of Ministers on a proposed amendment of draft Naturalization Bill providing that sub-section 1 of Clause 3 shall not take effect in any of the Dominions unless the Legislature of that Dominion adopts the sub-section.	117
181	The Governor-General.	Canada, 647.	December 4 (Rec. Dec. 16.)	Transmits copies of a Privy Council Minute suggesting the advisability, in the interests of the legislative independence of Canada, of making certain amendments to the draft Naturalization Bill in lieu of the amendment suggested in No. 180.	117
182	To Home Office ...	—	December 27	Transmits copies of Nos. 180 and 181 and expresses opinion that consultation between the Departments concerned regarding the terms of the Bill should take place as soon as possible.	118
1913.					
183	Home Office ...	—	March 8	Transmits, with observations, copies of the revised draft of the Naturalization Bill which is the result of inter-departmental conference; requests that copies may be sent to the Dominions concerned, the necessary explanations being made to Canada and New Zealand, and that early replies may be requested.	119

8. Naturalization—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
184	To the Governors-General and Governor.	Australia, 181; Union of South Africa, 117; Newfoundland, 70.	March 14	Transmits copies of the draft British Nationality and Status of Aliens Bill to be introduced this Session; trusts that the Bill may prove satisfactory to their Governments, and requests concurrence by telegraph.	120
185	To the Governor ...	New Zealand, 113.	March 14	Transmits revised draft of the Bill, of which the clauses have been rearranged with a view to making their application clearer and meeting the representations made by the New Zealand and Canadian Governments; asks for concurrence of his Government by telegraph.	120
186	To the Governor-General.	Canada, 206.	March 14	Transmits copies of the Imperial Naturalisation Bill, recast so that the part of the Bill which codifies the existing law of British nationality is separated from the part which establishes a new kind of naturalisation. His Majesty's Government quite recognize that the latter should be established in Canada by the act of the Dominion Legislature.	121
187	The Acting Governor-General.	Canada, Telegram.	(Rec. May 3)	Reports, in reply to No. 186, that Ministers are willing to assent to Part II of the Bill, but consider that an addition as indicated should be made.	121
188	The Governor ...	Newfoundland, Telegram.	(Rec. May 13)	States, with reference to No. 184, that his Ministers concur.	121
189	The Acting Governor-General.	Canada, 314.	May 5 (Rec. May 14.)	Transmits copies of an approved Privy Council minute setting forth the views of his Ministers on the Bill.	122
190	The Governor ...	New Zealand, Telegram.	(Rec. May 15)	States that his Government concur in the Aliens Bill and will introduce a Bill adopting Part II.	123
191	To Home Office ...	—	May 15	Transmits copies of Nos. 184 to 187 ...	124
192	Ditto ...	—	June 4	Transmits copies of Nos. 190, 188, and 189; makes observations as to the apparent object which the Canadian Government desire to secure by the amendment they have suggested; suggests an alternative amendment, and encloses, for approval, a draft telegram to the Canadian Government.	124
193	To the Acting Governor-General.	Canada, Telegram.	June 10	Explains, in reply to No. 189, that it was intended that the Bill should be of general application, to the same extent as the existing law which it replaces; points out the undesirable effect of the amendment suggested by Ministers, and suggests that their object could best be effected by the amendment indicated, providing for the maintenance of local provisions now in force.	125

8. Naturalization—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
194	The Governor-General.	Australia, Telegram.	(Rec. July 2)	States that his Government concur generally in the draft measure, but suggest that specific provision should be inserted to remove doubt as to whether certificate of naturalization may or may not be granted under clause 2 to alien married women.	125
195	To Home Office ...	—	July 7	Transmits a copy of No. 194 for observations.	126
196	Home Office ...	—	July 14	Suggests, in reply to No. 195, that the Governor-General of Australia should be informed that no such amendment as that suggested in No. 194 is necessary.	126
197	To the Governor-General.	Australia, Telegram.	July 18	Expresses pleasure at the concurrence of Ministers in the Bill, and states that the Home Office is advised that the suggested amendment is not necessary as the certificate of naturalization cannot be granted to alien married women, who are persons under a disability.	126
198	The Acting Governor-General.	Canada, Telegram.	(Rec. July 20)	States, in reply to No. 193, that the proposed amendments to Clause 26, sub-clause 1, are satisfactory to his Government.	127
199	The Governor-General.	Union of South Africa, Telegram.	(Rec. July 28)	States that consideration of No. 184 was originally delayed by pressure of Parliamentary business and is now delayed by industrial dispute; and adds that, as the latter continues to occupy the attention of Ministers, he fears some further delay will be unavoidable.	127
200	The Acting Governor-General.	Canada, 475.	July 21 (Rec. July 31.)	Forwards copies of an approved Minute of the Privy Council recommending acceptance of the amendment proposed in No. 193.	127
201	The Governor-General.	Union of South Africa, Telegram.	(Rec. Aug. 12)	States that his Ministers concur generally in the terms of the Bill, but indicate certain points which they consider require elucidation.	128
202	To Home Office ...	—	August 22	Transmits a copy of No. 201 and enquires what reply should be returned; considers that it is undesirable, in view of the attitude of the Canadian Government, to extend the application of Clause 23 to the Dominions.	128
203	The Governor-General.	Union of South Africa, 608.	August 14 (Rec. Sept. 6.)	Encloses copy of a Minute from Ministers concurring generally in the draft Bill but asking for elucidation of certain points.	129

8. Naturalization—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
204	Home Office ...	—	September 10	Agrees that it is undesirable to extend the application of Clause 23 to the Dominions and suggests that it should be explained to the Governor-General that it is not the intention of the Bill to legislate for the Dominions in respect of matters on which it is competent for them to make provision for themselves; considers that Clauses 19, 20, 21 and 22 should be allowed to stand as drafted, and submits observations in regard to these clauses.	130
205	To Home Office ...	—	October 2	Submits observations, in reply to No. 204, as to the power of the Dominions to pass legislation respecting the matters dealt with in certain clauses of the Bill.	130
206	Home Office ...	—	October 20	Observes that even if some doubt exists as to regulation-making powers with regard to the subject-matters indicated, it will be convenient not to dispute the view taken by the Union Government, but to explain that the Dominions can exercise their own powers of local legislation in these matters, and that the power of local legislation on matters similar to those dealt with by Clauses 20-22 remains unimpaired.	132
207	Royal Colonial Institute.	—	October 24	Enquires whether all objections of the Dominions to the proposed Bill have been met and whether His Majesty's Government intend to introduce the Bill next session.	132
208	Home Office ...	—	November 22	Concurs, subject to the points specified, in the proposed despatches to the Governors and letter to the Royal Colonial Institute.	133
209	To the Governor-General.	Union of South Africa, 510.	November 28	Learns with satisfaction that his Ministers concur generally in the terms of the Naturalization Bill, in which the other Dominions Governments have also concurred; observes that as a result of consultation with the Canadian Government the alteration indicated has been made, and replies to the observations of his Ministers; it is intended to introduce the Bill next session.	133
210	Iditto ...	Canada, 901.	November 28	Learns with satisfaction that his Ministers now concur in the terms of the Naturalization Bill, in which the other Dominions Governments have also concurred, and states that it is intended to introduce the Bill next session.	134
211	To the Governor-General and Governors.	Australia, 724; New Zealand, 474; Newfoundland, 334.	November 28	Expresses satisfaction that Ministers concur in the terms of the draft Bill, in which the other Dominions also concur; indicates a change made to meet the views of Canada and states that it is intended to introduce the Bill next session.	135

8. Naturalization—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
212	To Royal Colonial Institute.	—	November 29	States that the correspondence with the Dominions is not yet quite complete, but that it is hoped to introduce the Bill next session.	135
213	To Home Office ...	—	December 15	Forwards copies of Nos. 209 to 212; observes that, for reasons stated, only the second amendment to the despatch to the Union of South Africa suggested in No. 208 has been adopted, and considers that the draft Bill should be regarded as an agreed draft as between His Majesty's Government and the Dominions, and trusts, therefore, that it will not be necessary to suggest further alterations.	135
9.					
(RESOLUTION XI): UNIFORMITY IN THE LAW OF ACCIDENT COMPENSATION.					
			1912.		
214	The Governor-General.	Canada, 654.	December 5 (Rec. Dec. 16.)	Forwards a copy of a letter from the Secretary of State for External Affairs submitting copies of despatches from the Lieutenant-Governors of the several Provinces of Canada setting forth the views of the Provincial Governments.	137
			1913.		
215	The Governor ...	Newfoundland, 102.	December 26, 1912. (Rec. Jan. 13, 1913.)	Transmits copy of a letter from the Colonial Secretary reporting that Ministers concur in the principle of the Resolution of the Imperial Conference.	142
216	To the Governor-General and Governors.	Canada, 90; Australia, 83; New South Wales, 28; Victoria, 12; Queensland, 17; South Australia, 16; Western Australia, 10; Tasmania, 14; New Zealand, 55; Union of South Africa, 52; Newfoundland, 34.	January 31	Transmits copies of despatches ...	142
217	To the Governor ...	Western Australia, 42.	March 27	Sanctions Acts Nos. 37 and 69 of 1912, but calls attention to the absence in the Workers Compensation Act of provision for the collection of annual statistics as to the working of the Act, and requests that the desirability of making such provision may be considered.	143

9. Accident Compensation Law—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
218	The Governor ...	New South Wales, 39.	March 2 (Rec. April 7.)	Transmits, in reply to No. 216, a copy of a minute by the Industrial Registrar conveying observations on the general principles which have been adopted by the mother country as the basis of legislation and a comparison with the law of New South Wales, and expressing the opinion that not only should the general principles of Great Britain be accepted in New South Wales, but also an extended scheme on German lines.	143
219	The Governor-General.	Australia, 75.	April 2 (Rec. May 5.)	States that his Prime Minister advises that, so far as the jurisdiction of the Commonwealth extends, the law has been brought into substantial uniformity with the law of the United Kingdom by the Seamen's Compensation Act, 1911, and the Commonwealth Workmen's Compensation Act, 1912.	151
220	The Governor ...	New Zealand, 48.	April 3 (Rec. May 19.)	Communicates a Minute from the Prime Minister noting that there would be considerable difficulty, in the general opinion of the various Dominions Governments, in bringing about uniformity in Accident Compensation Law, and stating that the New Zealand Government will be prepared favourably to consider any further proposal.	151
221	To the Governors-General and Governors.	Canada, 392; Australia, 306; Victoria, 61; Queensland, 59; South Australia, 55; Western Australia, 64; Tasmania, 55; New Zealand, 189; Union of South Africa, 223; Newfoundland, 176.	May 21	Transmits copies of No. 218 ...	152
222	To Home Office and Board of Trade.	—	May 23	Transmits copies of No. 218 ...	252
223	The Governor ...	Western Australia, 39.	May 7 (Rec. June 7.)	States that Ministers have noted the matter to which attention is called in No. 217.	153
224	To the Governors-General and Governors.	Canada, 432; Australia, 335; New South Wales, 90; Victoria, 60; Queensland, 61; South Australia, 57; Western Australia, 60; Tasmania, 59; Union of South Africa, 249; Newfoundland, 137.	June 10	Transmits copies of No. 220 ...	153

9. Accident Compensation Law—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
225	To the Governors-General and Governors.	Canada, 450; New South Wales, 102; Victoria, 71; Queensland, 57; South Australia, 59; Western Australia, 72; Tasmania, 62; New Zealand, 222; Union of South Africa, 258; Newfoundland, 148.	June 18	Transmits copies of No. 219 ...	153
226	Ditto ...	Canada, 496; Australia, 382; New South Wales, 119; Victoria, 81; Queensland, 74; South Australia, 65; Tasmania, 68; New Zealand, 242; Union of South Africa, 284; Newfoundland, 168.	July 2	Transmits copy of the Western Australia Workers' Compensation Act, 1912, and of Nos. 217 and 223.	154

10.

(RESOLUTION XII): DEPORTATION OF ALIENS.

			1912.		
227	The Governor-General.	Canada, 427.	July 29 (Rec. Aug. 6.)	Transmits copies of a letter from the Department for External Affairs stating that the eighteen aliens, out of the 120 deported from Canada last year, who were allowed to remain in Great Britain had all been booked in England and had previously had a long residence there, so that it is doubtful whether they were liable to expulsion.	155

11.

(RESOLUTIONS XIV and XV): CHEAPER CABLE RATES; STATE-OWNED ATLANTIC CABLE.

			1912.		
228	The Governor-General.	Australia, 142.	July 11 (Rec. Aug. 26.)	States that Ministers do not consider that the concessions referred to in Mr. Samuel's speech in the House of Commons on the 3rd April fulfil the expectations raised in the minds of those who attended the Imperial Conference with respect to the reductions in cable rates mentioned in the resolution on the subject; and that the Government still strongly favour a State-owned Atlantic cable and consider that a conference should be called to consider the matter.	157

11. *Cheaper Cable Rates, &c.—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
229	To General Post Office.	—	September 4	Transmits copy of No. 228 and enquires what reply should be sent to the proposal contained therein.	157
230	To the Governor-General.	Australia, 510.	November 29	States that, since the date of No. 228, considerable further reductions have been effected in the trans-Atlantic cable rates, and proposes to defer replying to the suggestion for a subsidiary Conference regarding a State-owned Atlantic cable, pending the completion of certain other arrangements now under consideration.	158
			1913.		
231	To General Post Office.	—	January 13	Transmits copies of telegrams and despatches addressed to the Dominions announcing the reductions in the trans-Atlantic cable rates; requests an early reply to the suggestion made by the Commonwealth that a Conference should be called to consider the question of a State-owned Atlantic cable, and requests a statement showing, if it is the case, that the reductions already effected are sufficient to meet the terms of Resolution 15 of the Conference of 1911.	158
232	To the Governor-General.	Australia, 105.	February 7	Encloses a table showing the reductions effected in the Atlantic cable rates; states that the Postmaster-General desires consideration of the possibility of reducing the terminal charge of fivepence per word in Australia, and considers, for the reasons given, that the present time is inopportune for the expenditure of large sums on the laying of State cables, and enquires whether Ministers still desire, in view of these considerations, that a conference should be called.	159
233	To the Governor ...	New Zealand, 71.	February 14	Transmits copies of Nos. 228 and 232 ...	161
234	To the Governor-General.	Union of South Africa, 83.	February 26	Ditto ...	161
235	Ditto ...	Australia, Confidential.	February 28	Transmits, with reference to No. 232, statements of cable traffic between this country and Australasia in January 1911, 1912 and 1913, with observations thereon; and states that the Postmaster-General considers that the figures shown prove beyond doubt that the reductions of rates constitute a very real benefit to the public.	161
236	To the Governor-General and Governor.	Canada, 170; Newfoundland, 56.	March 4	Transmits copies of Nos. 228 and 232 ...	163
237	To the Governor-General and Governor.	Union of South Africa; New Zealand, Confidential.	March 13	Transmits copy of No. 235 ...	163

11. *Cheaper Cable Rates, &c.—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
238	To the Governor-General and Governor.	Canada: Newfoundland, Confidential.	March 26	Transmits copy of No. 235 ...	163
239	Ditto ...	Canada, 725; New Zealand, 365.	September 20	Transmits copy of a memorandum prepared by the Postmaster-General's Department of the Commonwealth of Australia on the subject of the terminal rates charged on Pacific cable traffic in the Commonwealth, and requests a further expression of Ministers' views in the light of this memorandum.	164

12.

(RESOLUTION XVI): STATE-OWNED WIRELESS TELEGRAPH STATIONS.

			1912.		
			June 14 (Rec. July 29.)		
240	The Governor ...	New Zealand, 94.		Transmits copy of a memorandum from the Prime Minister stating that the Dominion does not desire at present to become a party to the Imperial Agreement but desires that in the event of the New Zealand Government wishing to erect a station on the Marconi system within the next ten years no higher charge shall be made by the Marconi Company than that made on the Imperial Government for other stations.	167
241	To the Governor ...	New Zealand, 225.	August 1	Inform him that the Agreement was signed before the receipt of No. 240 and encloses copy of it.	167
242	To the Governor-General and Governor.	Canada, 548; Union of South Africa, 583; Newfoundland, 165.	August 9	Transmits copies of Parliamentary Papers containing the Agreement with the Marconi Company, &c.	168
243	To the Governor-General.	Australia, 332.	August 9	Transmits copies of Parliamentary Papers containing the Agreement with the Marconi Company, &c., and asks for a report giving details of the wireless telegraph installations now established or contemplated in the Commonwealth.	168

13.

(RESOLUTIONS XVII AND XVIII): UNIVERSAL PENNY POSTAGE: IMPERIAL POSTAL ORDER SCHEME.

			1913.		
			January 30		
244	General Post Office	—		Makes observations on the objections raised by the Australian Government to the Imperial Postal Order Scheme, and hopes that, in view of the benefits to the Commonwealth and to the Empire generally which would result from the scheme, the Commonwealth Government may be urged to reconsider the question.	169

13. *Universal Penny Postage, &c.—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
243	To the Governor-General.	Australia, 96.	February 7	Transmits a copy of No. 244; shares the view expressed therein as to the advantages of the scheme and trusts that the arguments adduced may receive earnest consideration.	170
246	The Governor-General.	Australia, 246.	October 15 (Rec. Nov. 17.)	States, in reply to No. 245, that Ministers are unable to see their way to vary their former decision.	170
247	To General Post Office.	—	November 21	Transmits a copy of No. 246	170

14.

(RESOLUTION XIX): COMMERCIAL TREATIES (a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

1912.					
248	Foreign Office ...	—	July 1	Transmits despatch from His Majesty's Ambassador at Vienna enclosing communication from the Austro-Hungarian Government showing that they are prepared to agree to the withdrawal of the Dominions on condition that each withdrawal is preceded by the conclusion of a fresh commercial treaty between Austria-Hungary and the Colony in question.	171
249	Ditto	—	July 2	Transmits draft of a note to the Japanese Embassy in regard to the wording of the interpretation of Articles 1 and 8 of the Anglo-Japanese Treaty.	172
250	To the Governors-General and Governors.	Canada, 465; Australia, 280; New Zealand, 194; Union of South Africa, 319; Newfoundland, 135.	July 4	States that, as the Peruvian Treaty imposes no obligation on the Dominions to grant any special tariff privileges, it cannot be held to fall within the scope of Resolution 19; but that steps are being taken to approach the Costa Rican Government with a view to obtaining for His Majesty's Government the right of withdrawal of the Dominions from the Costa Rica Treaty.	173
251	To Foreign Office...	—	July 4	Concurs in views expressed in Foreign Office letter of June 13, and encloses copy of No. 250.	173
252	Ditto	—	July 4	States that it is not considered necessary to communicate to Canada the list of unilateral Treaties which secure benefits to Canadian subjects without imposing corresponding obligations; in communicating the list of Treaties imposing obligations on Canada Mr. Harcourt will explain the position of the various negotiations for relieving Canada of these obligations and with regard to the Costa Rican Treaty.	173
253	Ditto	—	July 9	Refers to the conversation between Sir E. Grey and the Japanese Ambassador regarding the adherence of Canada to the Anglo-Japanese Treaty, and asks that Sir E. Grey will discuss the question with Mr. Borden in due course; refers to the reasons of the Canadian Government for declining to accept the Treaty.	174

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
254	To Foreign Office...	—	July 9	Concurs in the draft note enclosed in No. 249 subject to the alteration shown in the copy enclosed.	174
255	To the Governors-General and Governors.	Canada, 465; Australia, 280; New Zealand, 203; Union of South Africa, 332; Newfoundland, 137.	July 10	Transmits copy of the enclosure in No. 248 and observes that, should Ministers desire to withdraw from the Treaty of 1876 with Austria-Hungary, they will no doubt nominate a representative to take part in the negotiation of a new Treaty.	175
256	Foreign Office ...	—	July 18	Encloses note communicated to the Japanese Ambassador as to the interpretation of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty.	175
257	Ditto	—	July 18	Transmits copy of a despatch from the British Minister at Caracas covering note addressed to the Venezuelan Government stating that if the surtax of 30 per cent. is removed His Majesty's Government will be prepared to negotiate a new Commercial Treaty in place of that of 1823.	176
258	Ditto	—	July 18	Encloses copy of a despatch addressed to His Majesty's Minister at Panama instructing him to approach the Costa Rican Government in connexion with the withdrawal of the Dominions from the Treaty between Great Britain and Costa Rica of 1849.	177
259	To the Governor-General.	Canada, 487.	July 18	Transmits a list showing those Treaties of Commerce and Navigation between the United Kingdom and foreign countries in force on June 1, 1912, which apply to Canada, and explains the position of the negotiations with foreign Powers to obtain for the Dominion the right of withdrawal from these Treaties.	177
260	To the Governors-General and Governors.	Australia, 306; New Zealand, 214; Union of South Africa, 342; Newfoundland, 146.	July 19	Transmits copies of the Protocol signed at Paris on the 6th inst. securing the right to terminate the Additional Articles of the Anglo-French Treaty of 1826 in respect of all the Dominions except Canada, and stating the position of Canada in regard to those Articles.	178
261	Foreign Office ...	—	July 30	Transmits copy of a despatch to His Majesty's Minister at Buenos Aires instructing him to communicate with the Argentine Government as to the conclusion of a new Commercial Treaty.	179
262	To the Governors-General and Governors.	Canada, 327; Australia, 326; New Zealand, 228; Union of South Africa, 373; Newfoundland, 160.	August 2	Transmits copies of the Treaty of Commerce between the United Kingdom and Bolivia, and enquires whether it is desired that the Treaty should be made applicable in respect of his Government.	180

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
263	To Foreign Office...	—	August 7	Enquires whether any reply has been received to the representations made to the Japanese Government regarding the refusal of the Japanese Patent Bureau to receive applications for the registration of patents and trade marks from British subjects of Canadian and Indian birth.	180
264	Foreign Office ...	—	August 7	Transmits copy of a despatch from His Majesty's Ambassador at Tokio conveying the reply of the Japanese Government to the representations made as to the refusal of the Imperial Patents Bureau to register trade marks of British subjects of Indian or Canadian origin; proposes to take no action for the present beyond instructing the Ambassador to report as soon as possible the result of the applications of the Anglo-Indian Drug and Chemical Company and the Canadian firms interested.	181
265	To the Governor-General.	Canada, 552.	August 10	Transmits a copy of a Note to the Japanese Ambassador stating that the Canadian Cabinet will give the question of the admission of Canada to the Anglo-Japanese Commercial Treaty adequate consideration as soon as possible.	183
266	To Foreign Office...	—	August 12	Concurs in action proposed in No. 264, but suggests that, in the event of the applications being granted, it would be well to record in a Note the fact that grants have been made to the British firms in question without entering into any argument on the terms of the Japanese Note.	183
267	Foreign Office ...	—	August 15	Transmits Note from the Swiss Minister asking for the amendment of the proposed Protocol so as to provide for the reciprocal treatment of the citizens, as well as the products, during the currency of the provisional arrangement, of Switzerland and the Dominion where the Treaty has ceased to apply, and for an extension of the period after which the provisional arrangement may be denounced to twelve months.	184
268	To the Governor-General.	Canada, 566.	August 15	Transmits copy of a note from the Japanese Ambassador expressing the desire that the Canadian Government may see their way to come to a favourable decision at the earliest possible opportunity with regard to the admission of Canada to the Anglo-Japanese Commercial Treaty.	185
269	Foreign Office ...	—	August 19	Transmits copy of correspondence with the Board of Trade and a copy of the model Treaty in its final form.	186
270	Ditto ...	—	August 23	Transmits copy of a telegram from His Majesty's Minister at Bogota reporting that the Protocol providing for the withdrawal of the self-governing Dominions has been signed and will be submitted to the Chambers.	188

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
271	The Governor ...	New Zealand, 110.	July 19 (Rec. Aug. 26.)	Reports that Ministers do not desire to take steps for the negotiation of a new treaty in place of the Anglo-Italian Treaty of Commerce, 1883; but desire to be furnished with copies of the Treaties mentioned in the list enclosed in Secretary of State's despatch of 1st November, 1912.	189
272	Foreign Office ...	—	August 26	Transmits copy of a despatch to His Majesty's Ambassador at Tokio proposing to postpone action in the matter of the refusal of the Japanese Government to register certain trade marks belonging to British subjects pending the result of new applications which have been made.	189
273	Ditto ...	—	August 30	Transmits despatch from His Majesty's representative at Mexico, covering note from the Mexican Government expressing opinion that the Colonies of Papua, Norfolk Island, and the Transvaal and Orange River Colony should not withdraw from the Anglo-Mexican Treaty by denunciation, but in some other way, the choice of which is left to His Majesty's Government, and that Natal has the right to withdraw by denouncement.	190
274	To the Governor ...	New Zealand, 254.	August 30	Acknowledges No. 271 and forwards copy of the Volume of Treaties, &c.	191
274A	To Foreign Office ...	—	August 30	Acknowledges receipt of No. 269 and asks for fifty copies of the Treaty as revised.	191
275	Foreign Office ...	—	September 4	Transmits copy of a despatch from the Acting Consul-General at Monrovia reporting that the Liberian Government agree to the inclusion of Papua and Norfolk Island in the arrangements permitting the separate withdrawal of the self-governing Dominions from the Anglo-Liberian Commercial Treaty.	191
276	To Foreign Office...	—	September 4	Considers, in reply to No. 267, that the first amendment proposed by the Swiss Government in the Protocol cannot be accepted, and suggests that they should be made acquainted with the difficulties which would arise from the recognition of any difference of international status among various classes of British subjects, and that, in view of these difficulties, His Majesty's Government would propose a further amendment and the insertion of a provision securing to Swiss subjects, during the currency of the provisional arrangements, most-favoured-nation treatment as regards all matters dealt with in the Treaty in any Dominion where the Treaty ceases to be applicable.	192

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
277	To the Governor-General.	Australia, 360.	September 5	Informa him that the Mexican Government accept the proposal to terminate the Anglo-Mexican Treaty in respect of Papua and Norfolk Island, but cannot agree to a general right to terminate; enquires whether Ministers desire His Majesty's Government to propose termination in respect of those places.	193
278	To Foreign Office...	—	September 6	Transmits, in reply to No. 273, copy of No. 277 and suggests that the desired termination of the Treaty on the part of the Transvaal and the Orange Free State should be effected by means of an exchange of votes with the Mexican Government, recording that the Treaty will cease to apply to those Provinces after twelve months.	193
279	The Acting Governor-General.	Union of South Africa, 553.	August 19 (Rec. Sept. 7.)	Transmits copy of Ministers' minute stating that they do not desire to withdraw from the Commercial Treaty of 1876 with Austria-Hungary.	194
280	Ditto ...	Australia, 153.	July 27 (Rec. Sept. 9.)	States that, as regards Norfolk Island, the question of withdrawal is of no practical importance, but, as regards Papua, Ministers desire that notice of withdrawal should be given in the cases mentioned in the Secretary of State's despatch of 23rd February.	194
281	Ditto ...	Australia, 154.	July 27 (Rec. Sept. 9.)	States that Ministers consider that no useful purpose would be served by accepting release on the condition mentioned by the Italian Government, viz., the substitution of a most-favoured-nation régime; further consideration will be given to the suggestion for a separate Treaty at a later date; Ministers hope that His Majesty's Government will bear in mind the desirability of obtaining the consent of the Italian Government to unconditional withdrawal.	195
282	The Governor ...	Newfoundland, 62.	August 30 (Rec. Sept. 12.)	Forwards letter from Colonial Secretary approving the efforts made to secure the liberty of withdrawal, and concurring in the views put forward in the Secretary of State's despatch of 1st November.	195
283	Ditto ...	Newfoundland, 63.	August 30 (Rec. Sept. 12.)	Reports that his Ministers do not desire to withdraw from the Commercial Treaty of 1876 with Austria-Hungary.	196
284	To the Governor-General.	Australia, 373.	September 12	Transmits copy of the enclosure in No. 275 and asks whether Ministers wish steps to be taken for the termination of the Treaty in respect of Papua and Norfolk Island.	196
285	Foreign Office ...	—	September 16	Transmits draft note to the Swiss Chargé d'Affaires in the sense of No. 276.	196

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
286	Foreign Office ...	—	September 16	Transmits draft note to be communicated to the Mexican Government providing for the termination by exchange of Notes of the Anglo-Mexican Treaty as regards the Transvaal and Orange River Colony Provinces; offers, if Mr. Harcourt so desires, to ask the Mexican Government to agree to date the twelve months' notice of termination from April 13 last, so that the Treaty will expire simultaneously as regards Natal, Transvaal, and Orange River Colony.	198
286A	To the Governor-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, (Confidential).	September 16	Transmits copies of the revised form of the draft Treaty of Commerce and Navigation, and calls attention to the Articles indicating the manner in which the Treaty may become, or may cease to be, applicable to the Dominions.	198
287	The Governor ...	Newfoundland, 63.	September 6 (Rec. Sept. 17.)	States that Ministers have no desire to withdraw from the Anglo-Mexican Treaty of 1888.	199
288	To Foreign Office and Board of Trade.	—	September 18	Transmits copies of Nos. 279 and 283 ...	199
289	To Foreign Office...	—	September 20	Transmits copy of No. 280 and requests that steps be taken for the withdrawal of Papua from the Treaties with Greece, Egypt, Paraguay, Liberia, and Mexico, and for the termination of the Mexican Treaty in respect of the Transvaal and Orange Free State.	199
290	Foreign Office ...	—	September 21	Transmits copy of note from the Japanese Ambassador respecting the interpretation to be placed on Articles 1-8 of the Anglo-Japanese Commercial Treaty and proposes to reply that His Majesty's Government accept the interpretation in its present shape.	200
291	To Foreign Office...	—	September 25	Refers, in reply to No. 286, to No. 289 and encloses copy of No. 287.	201
292	To Board of Trade	—	September 26	Transmits copies of Nos. 271 and 281 ...	201
293	To Foreign Office...	—	September 26	Transmits copy of No. 281 ...	201
294	To the Governor ...	New Zealand, 280.	September 27	Refers to statement made by the Minister of Finance in Committee, with regard to the settlement of gum lands, that it is proposed to offer exceptionally good treatment to British subjects only; points out the rights of certain foreign subjects under Treaties; and assumes that any Act introduced to deal with the matter will include a clause preserving any existing Treaty rights.	202
295	To Foreign Office...	—	September 30	Concurs, in reply to No. 290, in the proposal to inform the Japanese Ambassador that His Majesty's Government accept the interpretation in its present shape.	202

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
296	Foreign Office ...	—	September 30	Transmits copy of a despatch from Bogotá reporting the signature of the Protocol between the United Kingdom and Colombia respecting the withdrawal of Dominions from the Treaty of Commerce of February 16th, 1866, and enclosing copies of the Protocol; and proposes to lay the Protocol in the Treaty Series as soon as it has passed the Colombian Chambers.	202
297	To Foreign Office...	—	October 1	Consents in the draft note enclosed in No. 285, with the alterations indicated, and suggests that if the Swiss Chargé d'Affaires discusses the matter further it should be pointed out that not only is it impossible in law to differentiate between British subjects resident in the United Kingdom and in any Dominion, but it is impossible to decide in many cases whether a given individual belongs to the United Kingdom or to some other part of the Empire.	204
298	Ditto ...	—	October 3	Consents in the proposal in No. 296 to lay the Protocol in the Treaty Series as soon as it has been passed by the Legislature of Colombia.	205
299	Foreign Office ...	—	October 8	Transmits copy of a despatch from His Majesty's Chargé d'Affaires at Vienna forwarding a translation of a Note from the Ministry for Foreign Affairs, agreeing to the proposal of the British Government with regard to the withdrawal of Papua and Norfolk Island from the Treaty, on condition that a new commercial treaty is made and suggesting that the proposed Protocol is unnecessary.	205
300	Ditto ...	—	October 8	Transmits copies of despatches to His Majesty's Representatives concerned, giving notice of termination, in respect of Papua, of the Commercial Treaties with Greece, Paraguay, and Liberia, and a copy of a despatch to Mexico as to the termination of the Anglo-Mexican Treaty in respect of the Transvaal, the Orange River Colony, and Papua, and points out that Papua is no longer bound by the Anglo-Egyptian Treaty of 1882.	206
301	To the Governors-General and Governors.	Canada, 697; Australia, 408; Union of South Africa, 471; New Zealand, 292; Newfoundland, 206.	October 9	Transmits copy of the Protocol enclosed in No. 296.	206
302	Foreign Office ...	—	October 10	Transmits copy of a note to the Japanese Ambassador accepting the interpretation of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911, as now amended.	209

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
303	To the Governor-General.	Australia, 414.	October 15	Transmits copy of enclosure in No. 299	210
304	To Foreign Office ...	—	October 16	States, in reply to No. 300, that Mr. Harcourt would have preferred that the Treaty with Mexico should terminate immediately in respect of Papua instead of from 13th April, 1913, but he will not press the matter; explains that Papua and Norfolk Island should both have appeared in the list published in the Treaty Series paper, and fears that unless the list was communicated to the Egyptian Government it will be necessary to approach them formally for termination of the Convention in respect of Papua.	210
305	To the Governors-General and Governors.	Canada, 717; Australia, 417; New Zealand, 299; Union of South Africa, 492; Newfoundland, 208.	October 18	States the interpretation of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty, 1911, as agreed to by negotiation between His Majesty's Government and the Japanese Government.	211
306	The Acting Governor-General.	Canada, 550.	October 10 (Rec. Oct. 21.)	Transmits copies of a Privy Council Minute expressing the opinion that it would be desirable to obtain for Canadians desirous of obtaining patents of inventions and trade mark rights in Japan treatment at least reciprocal to that granted to Japanese subjects in Canada.	211
307	To Foreign Office ...	—	October 23	Consents, subject to observations, in the draft despatch to His Majesty's Ambassador at Tokio respecting the proposed Extradition Treaty between the United Kingdom and Japan; and requests copies of the Treaty, as soon as it is in its final form, in order that it may be communicated to the Dominions, before it is signed, with a request for a telegraphic intimation as to whether or not it is desired that it should be applied to the Dominion.	212
308	Foreign Office ...	—	October 25	Transmits copy of a despatch from His Majesty's Minister at Athens covering copy of a note to the Greek Government notifying the desire to terminate the Anglo-Greek Commercial Treaty of 1886 in respect of Papua.	213
309	Ditto ...	—	October 28	States, in reply to No. 304, that it was understood that the exchange of notes with Mexico, and not the withdrawal itself, should take place forthwith; that the omission of Papua from the list of British Colonies, &c., acceding does not affect the question, and that, in these circumstances, notice will be given to the Egyptian Government of the withdrawal of Papua from the Convention.	214

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
310	To Foreign Office...	—	November 1	Transmits copy of No. 306 and points out that the Canadian Government have overlooked the circular despatch of 2nd December, 1899, otherwise they would have made their request as of right; and requests that, if a further report has not yet been received, His Majesty's Ambassador at Tokio be asked by telegram how the matter now stands.	214
311	The Governor ...	New Zealand, 154.	September 26 (Rec. Nov. 4.)	Transmits a copy of a memorandum from the Prime Minister stating that the question of the determination of the Commercial Treaty with Austria-Hungary of 1876 as regards New Zealand will be carefully considered, and that the High Commissioner for New Zealand will be instructed to act as representative in any negotiations for a new treaty.	215
312	Foreign Office ...	—	November 6	Transmits copy of a despatch from His Majesty's Minister at Christiania enclosing copy of a note from the Norwegian Government relative to the withdrawal of the Dominions from the Commercial Treaty with Norway, 1826, and enquiring whether an alteration proposed by the Norwegian Government in the text of the draft protocol is acceptable to His Majesty's Government.	215
313	To the Governor-General.	Australia, 449.	November 6	States that His Majesty's Representatives have been instructed to inform the Governments of Greece, Paraguay, Egypt, and Liberia of the termination of the application of treaties with those countries to Papua; and that His Majesty's Minister at Mexico has been instructed to arrange for the cessation of the application of the Anglo-Mexican Treaty to Papua.	217
314	The Governor-General.	Australia, 215.	September 30 (Rec. Nov. 9.)	Reports that his Government desires that notice be given of withdrawal from the Additional Articles of the Anglo-French Treaty of 1826, on behalf of the Commonwealth, Norfolk Island, and Papua.	217
315	Foreign Office ...	—	November 9	Transmits, in reply to No. 310, copy of a telegram sent to His Majesty's Chargé d'Affaires at Tokio enquiring how the matter stands.	218
316	To Foreign Office and Board of Trade.	—	November 14	Transmits copy of No. 311 ...	218
317	Foreign Office ...	—	November 15	States that the Japanese Government very much hope that His Majesty's Government will use their influence to urge the Dominion Government to adhere to the Anglo-Japanese Commercial Treaty of 1911.	218
318	The Governor-General	Australia, 227.	October 16 (Rec. Nov. 18.)	States that the reply furnished with regard to the Anglo-Italian Treaty of Commerce in No. 281 applies also to the Austria-Hungarian Commercial Treaty of 1876.	219

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
319	To Foreign Office...	—	November 18	Transmits copy of No. 314 and requests that steps be taken to comply with the wishes of the Commonwealth Government.	219
320	Foreign Office ...	—	November 19	Transmits copy of a despatch from Christiania enclosing copy of a note from the Norwegian Government on the subject of the possible withdrawal from the Commercial Treaty with Norway, 1826, of Papua and Norfolk Island, and enquiring the views of His Majesty's Government as to the apparent lack of provision for mutual denunciation in the draft Protocol regarding the Dominions.	219
321	Ditto ...	—	November 20	States, with reference to No. 315, that H.M. Chargé d'Affaires at Tokio reports that the Japanese authorities have temporarily rejected the Indian application and now demand a birth certificate and that if, in the event of this birth certificate being produced to the Foreign Office, the Secretary of State could certify that the applicants had "full and perfect status of British subjects" the question would be settled, and proposes to make this declaration.	220
322	To the Governor-General.	Canada, Secret.	November 20	States that the Japanese Government very much hope that the Dominion Government will be able to see their way to adhere to the Anglo-Japanese Commercial Treaty, 1911; and adds that no doubt the Dominion Government will give the fullest consideration to the wishes of the Japanese Government in the matter.	221
323	To Foreign Office and Board of Trade.	—	November 25	Transmits copy of No. 318 ...	221
324	To Foreign Office...	—	November 29	Enquires, with reference to No. 321, what action has been taken with regard to the Canadian applications, and whether it is proposed to produce the birth certificate to the Japanese Government or only to the Secretary of State; points out that the birth certificate would in certain cases not be adequate evidence of nationality and that it may not be possible for certain applicants to produce a birth certificate.	222
325	Foreign Office ...	—	December 3	Transmits copy of a note addressed to the French Government giving notice of the withdrawal of Australia, Norfolk Island, and Papua from the Additional Articles of the Anglo-French Treaty of 1826.	222

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
326	To Foreign Office...	—	December 3	Expresses opinion, in reply to Nos. 312 and 320, that the proposed alteration in the Protocol cannot be accepted by His Majesty's Government; suggests that an endeavour be made to induce the Norwegian Government to withdraw their proposal without indicating the grounds of objection, and indicates a method of doing this.	223
327	To Board of Trade	—	December 3	Transmits copies of Nos. 312, 320, and 326.	224
328	Foreign Office ...	—	December 5	Transmits copy of a despatch from Mexico enclosing copy of a note from the Mexican Government agreeing to the withdrawal of the Transvaal, the Orange River Colony, and Papua from the Anglo-Mexican Commercial Treaty, 1888, as from the 13th of April, 1913.	224
329	To Foreign Office...	—	December 6	Observes that the memorandum from the Italian Government of November 24th, 1911, may have given the Commonwealth Government the impression that it has been suggested that the withdrawal from the Treaty should be followed by an arrangement based on reciprocal most-favoured-nation treatment, but assumes that it did not go beyond the instructions which were conveyed to His Majesty's Ambassador, and asks for a copy of the memorandum in order that, if it were not correctly understood, matters may be explained to the Commonwealth.	225
330	Ditto ...	—	December 11	Expresses opinion that the proposal for a partial termination of the Anglo-Swiss Treaty of 1855 cannot be submitted to the Dominions in its present form; and suggests that a Protocol on the lines of the enclosed draft would remove all doubt as to the scope of the proposed arrangement.	226
331	Foreign Office ...	—	December 12	Transmits copy of a note from the French Government taking note of the denunciation of the Additional Articles of the Anglo-French Commercial Treaty on the part of Australia, Norfolk Island, and Papua.	227
332	Ditto ...	—	December 13	Transmits a copy of a despatch from His Majesty's Representative at Bogota reporting that the Protocol enabling the Dominions to withdraw from the Commercial Treaty with Colombia, 1866, has been approved by the Chambers and assented to by the President, and enclosing copies	228
333	To the Governor-General.	Union of South Africa, 600.	December 13	Transmits copies of correspondence between the British Minister and the Mexican Government showing the arrangements made for the termination of the application of the Anglo-Mexican Treaty of 1888 to various Provinces of the Union of South Africa.	228

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
334	To the Governor-General.	Australia, 530.	December 13	Transmits copies of notes exchanged with the Mexican Government, from which it will be seen that the latter have agreed to the termination of the application of the Anglo-Mexican Treaty of 1888 to Papua.	229
335	Ditto ...	Australia, 539.	December 18	Transmits copies of enclosures in Nos. 325 and 331.	229
336	To the Governors-General and the Governors.	Canada, 869; Australia, 542; New Zealand, 382; Union of South Africa, 608; Newfoundland, 259.	December 19	States that the Protocol respecting the application of the Commercial Treaty with Colombia to the Dominions has been signed and will be published in a Parliamentary Paper, copies of which will be forwarded in due course.	229
337	The Governor ...	New Zealand, Confidential.	November 14 (Rec. Dec. 21.)	Communicates a minute from the Minister of Customs to the Prime Minister stating that no further comment appears necessary, at the present stage of affairs, with regard to the revised form of the draft Treaty of Commerce and Navigation.	230
338	Foreign Office ...	—	December 24	Transmits copy of a despatch from His Majesty's Ambassador at Rome forwarding copy of a memorandum addressed to the Italian Government setting forth the proposals of His Majesty's Government for enabling the self-governing Dominions to withdraw from the Anglo-Italian Commercial Treaty of 1883 without impairing the Treaty in respect of the rest of the Empire.	230
339	India Office ...	—	December 24	Transmits a copy of a letter to the Foreign Office concurring in the proposal made in No. 324 subject to the substitution of "evidence of nationality" for the requirement of a birth certificate.	232
340	To the Governors-General and Governors.	Canada, 890; Australia, 555; New Zealand, 388; Union of South Africa, 618; Newfoundland, 267.	December 27	Transmits copies of a Parliamentary Paper giving the text of the Protocol between the United Kingdom and Colombia respecting the application of the Commercial Treaty of 1866 to certain Dominions.	232
341	To the Governor ...	New South Wales, 168.	December 27	Transmits copies of Agreements recently entered into with Sweden, Denmark, France, and Colombia with regard to the application of Treaties with those countries to the Dominions, including Norfolk Island; states that an arrangement has also been come to with Mexico regarding the termination in respect of Norfolk Island of the Anglo-Mexican Treaty, 1886.	233

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
342	Foreign Office ...	—	December 28	Concurs in the draft Protocol enclosed in No. 330 and encloses a draft Note submitting it to the Swiss Government.	233
343	The Governor ...	New Zealand, 181.	November 21 (Rec. Dec. 30.)	Transmits copy of a memorandum from the Prime Minister intimating that the Government do not desire to notify adherence to the Commercial Treaty with Bolivia for the reasons mentioned.	234
344	The Governor-General.	Australia, 271.	November 26 (Rec. Dec. 30.)	States that the Commonwealth Government desire that the Anglo-Liberian Commercial Treaty should be terminated in respect of Papua and Norfolk Island.	235
345	Ditto ...	Australia, 277.	November 27 (Rec. Dec. 30.)	Requests that the termination of the Anglo-Mexican Treaty of 1888, in respect of Papua and Norfolk Island, should be proposed to the Mexican Government.	235
1913.					
346	Foreign Office ...	—	January 2	Transmits copies of the enclosure in No. 339 and a telegram to His Majesty's Chargé d'Affaires at Tokio requesting him to report whether the suggestion that the certificate of birth should be furnished only to the Secretary of State, and that "evidence of nationality" should be substituted for the requirement of a birth certificate in certain cases is satisfactory.	236
347	Ditto ...	—	January 2	Transmits, in reply to No. 326, a copy of a despatch from Christiania reporting representations to the Norwegian Government regarding the alteration of the proposed protocol providing for the withdrawal of the Dominions from the Anglo-Norwegian Commercial Treaty of 1826.	236
348	To Foreign Office...	—	January 4	Concurs generally in the draft enclosed in No. 342, but prefers not to state that His Majesty's Government intend to recommend the partial termination of the Treaty, but only that the Dominions will be consulted on the subject.	237
349	Ditto ...	—	January 7	Transmits a copy of No. 345 and requests that the concurrence of the Mexican Government in the proposal that the Treaty should cease to be applicable to Norfolk Island from 13th April, 1913, may be secured.	238
350	Ditto ...	—	January 8	Transmits a copy of No. 344 and requests that the necessary communication may be made to the Liberian Government.	238
351	Ditto ...	—	January 9	Calls attention to the provision in Act, No. 31 of 1912, under which allotments shall be selected only by British subjects, and requests observations upon this provision having regard to Treaty obligations with respect to the acquisition of lands in the Dominion.	239

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
352	Foreign Office ...	—	January 20	Agrees to the amendments to the proposed note to the Swiss Minister suggested in No. 348, but proposes to omit the passage which implies the possibility of the Dominions contemplating the creation of an independent Consular service.	239
353	Ditto ...	—	January 21	Transmits a copy of a despatch from the Acting British Consul-General at Monrovia enclosing copies of the notes exchanged between himself and the Liberian Government terminating the Anglo-Liberian Commercial Treaty in respect of Papua, together with a copy of a despatch instructing him to arrange for the alteration of his Note so as to make it include Norfolk Island, as in the Liberian Note.	239
354	The Governor ...	Newfoundland, 3.	January 7 (Rec. Jan. 25.)	Transmits a copy of a letter from the Colonial Secretary stating that Ministers do not desire at present that the Anglo-Italian Commercial Treaty, 1883, should cease to be applicable to Newfoundland, and that in the event of withdrawal from the Treaty they would prefer that a new Treaty should be negotiated.	241
355	The Governor-General.	Canada, Confidential.	January 13 (Rec. Jan. 25.)	Transmits copies of a Privy Council Minute stating that Ministers have no objection to the draft forwarded in No. 286a.	242
356	Foreign Office ...	—	January 27	Transmits a copy of a despatch to His Majesty's Minister at Mexico instructing him to invite the Mexican Government to agree to the termination of the Anglo-Mexican Commercial Treaty in respect of Norfolk Island.	243
357	Ditto ...	—	January 31	Views with apprehension the proposal in No. 307 to consult the Dominions before the Treaty is signed, and suggests that it should be ascertained from the Dominions whether they are content to leave the negotiation and conclusion of such treaties to be carried out as heretofore.	243
358	To Foreign Office...	—	January 31	Encloses a re-draft of paragraph 3 of the draft note enclosed in No. 352 to meet the difficulty of the implied omission of the right of certain British subjects to the assistance of British consular officers.	244
359	The Governor ...	New Zealand, 195.	December 27, 1912 (Rec. Feb. 1, 1913.)	Transmits a copy of a memorandum from the Prime Minister stating that legislation contravening the Italian Treaty of 1883 was inadvertently passed, but that legislation preserving existing Treaty rights will be introduced during 1913.	245
360	The Governor-General.	Australia, 299.	December 30, 1912 (Rec. Feb. 1, 1913.)	Requests that when the Protocol forwarded in No. 301 has received the ratification of the Colombian Legislature the necessary twelve months' notice of the withdrawal of the Commonwealth may be given.	246

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
361	Foreign Office ...	—	February 3	Transmits a copy of a despatch from His Majesty's Ambassador at St. Petersburg indicating the conditions on which the Russian Government are prepared to accept the proposals of His Majesty's Government respecting the withdrawal of Dominions from the Commercial Treaty with Russia, 1859, and enclosing a counter-draft of the protocol, together with a copy of a letter to the Board of Trade forwarding a copy of this despatch for observations.	246
362	Ditto ...	—	February 7	Transmits a copy of a despatch from His Majesty's Chargé d'Affaires at Tokio reporting the proceedings in connection with applications by certain British Indians for registration of trade-marks, and describing the arrangement made by the Japanese Government to meet such cases.	251
363	Ditto ...	—	February 10	Sees no objection to the amendment, as indicated in No. 358, of the proposed Note to the Swiss Minister, and encloses a copy of the Note in the form in which it is now being sent.	253
364	Ditto ...	—	February 11	States, in reply to No. 351, that the section in question infringes the provisions for national treatment of alien subjects in the Treaties with Italy, Greece, Nicaragua, and Uruguay; which treatment must also be extended to subjects of Russia, Switzerland, and Colombia under the most-favoured-nation treatment.	255
365	To Foreign Office...	—	February 12	Transmits a copy of No. 360 and requests that the necessary action may be taken.	255
366	Ditto ...	—	February 15	Agrees, in reply to No. 357, not to press for consultation of the Dominions as regards the proposed Extradition Treaty with Japan; but trusts that the usual "Colonial Clause" will be inserted in the Treaty; and adds that it will be desirable that the Dominions should be consulted before negotiations are entered into with a foreign Power for a new Extradition Treaty.	256
367	Foreign Office ...	—	February 17	Enquires, with reference to No. 365, whether it is desired that notification of withdrawal should also be given as regards Papua and Norfolk Island.	256
368	To Foreign Office...	—	February 20	Requests observations on certain points raised in the enclosure in No. 362, and transmits a draft despatch to the Governor-General of Canada on the subject.	257
369	Foreign Office ...	—	February 21	Transmits a copy of a despatch from His Majesty's Minister at Panama, reporting the assent of the Costa Rican Government to a modification of the Commercial Treaty of 1849, giving power to the self-governing Dominions to withdraw on giving twelve months' notice.	257

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
370	To the Governor-General.	Australia. Telegram.	February 21	Enquires, with reference to No. 345, whether it is desired that notification should also be given in respect of Papua and Norfolk Island.	258
371	To Foreign Office...	—	February 21	Suggests that, if it should be found possible to grant the concessions desired by Russia, as stated in the reply enclosed in No. 361, assent should be conditional on the Russian Government accepting the principles that British subjects connected with a Dominion which has ceased to be a party to the Treaty shall continue to enjoy privileges conferred upon British subjects as such, and that the grant of preference within the Empire is a purely domestic matter; suggests reference to the Law Officers of the point whether ships are affected by their recent ruling as to the effect of the separate termination of a commercial treaty.	258
372	The Governor-General.	Canada, Secret.	February 13 (Rec. Feb. 26.)	Transmits, in reply to No. 322, a copy of a letter from the Prime Minister showing the present position of affairs and enclosing copies of letters on the subject to the Consul-General of Japan.	259
373	To the Governor ...	New Zealand, 80.	February 26	Expresses satisfaction, in reply to No. 359, that Ministers are prepared to amend the Act, and informs him that treaties with Italy, Greece, Nicaragua, and Uruguay, which make provision for national treatment of aliens in respect of the acquisition of real property, are binding on New Zealand; and that the national treatment must also be extended to subjects of Russia, Switzerland, and Colombia under the most-favoured-nation treatment.	262
374	The Governor-General.	Australia, Telegram.	(Rec. Mar. 1.)	Replies to No. 370 in the affirmative ...	262
375	Foreign Office ...	—	March 1	Concurs in the draft despatch enclosed in No. 368 and states that His Majesty's Chargé d'Affaires is being requested to furnish a report on the other points raised.	263
376	Ditto ...	—	March 4	Transmits a copy of a despatch from the Acting British Consul-General at Monrovia enclosing a copy of a note from the Liberian Government concurring in the alteration of his Note, thus terminating the Treaty of 1848 in respect of Norfolk Island also.	263
377	To the Governor-General.	Canada, 186.	March 8	Transmits a copy of the enclosure in No. 362 and states that any Canadian British subjects desirous of securing registration of trade marks or patents should comply with the procedure laid down by the Japanese Government, and, in case of difficulty, should refer to His Majesty's Chargé d'Affaires.	264
378	To Foreign Office and Board of Trade.	—	March 8	Transmits copies of No. 372 and [to the Foreign Office] of No. 305.	264

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
379	Foreign Office ...	—	March 10	Transmits a copy of a despatch to His Majesty's Representative at Bogota requesting him to notify the Colombian Government of the termination of the Commercial Treaty of 1886 in respect of Australia, Papua, and Norfolk Island.	265
380	Ditto ...	—	March 11	Transmits a copy of a despatch from His Majesty's Minister at Christiania reporting that the Norwegian Foreign Minister is prepared to sign a Protocol in the same terms as that recently concluded with Denmark; considers that, in view of the wishes of the Norwegian Government that it should be ratified by the King of Norway, it should take the form of a Convention instead of a Protocol, and encloses a draft Convention for concurrence.	265
381	To the Governor-General.	Australia, 165.	March 13	Transmits copies of enclosures in Nos. 353 and 376.	267
382	Foreign Office ...	—	March 15	Forwards a draft of two Articles which it is proposed to insert henceforward in extradition treaties; suggests that British Protectorates might also be mentioned in the second of these Articles, and proposes to consult the India Office as to the inclusion of British India in the exceptions named in the first Article.	268
383	To Foreign Office ...	—	March 17	Concurs in the proposal to instruct His Majesty's Minister to submit to the Norwegian Government the draft Convention enclosed in No. 380, and to sign it as soon as it is agreed to.	269
384	Foreign Office ...	—	March 20	Transmits a copy of a despatch from His Majesty's Chargé d'Affaires at Tokio reporting that a trade mark has been registered for a Canadian Company, and enclosing copies of a communication showing the difficulties raised in connection with another Canadian application.	269
385	To Board of Trade...	—	March 20	Transmits copies of correspondence with the Governor-General of Canada and the Foreign Office on the subject of patent and trade mark rights in Japan.	270
386	The Governor-General.	Canada, Secret.	March 8 (Rec. Mar. 22.)	Transmits a copy of a letter from the Prime Minister enclosing copies of letters from the Consul-General for Japan respecting the adherence of Canada to the Treaty of Commerce and Navigation between Japan and Great Britain.	271
387	Ditto ...	Canada, Secret.	March 19 (Rec. April 1.)	Forwards a copy of a letter from the Prime Minister covering copies of documents relating to commercial relations between Japan and Canada, and of a memorandum setting forth considerations respecting Canada's adherence to the Japanese Treaty of 1911.	272

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
388	Foreign Office ...	—	April 3	Transmits, with reference to No. 369, a further despatch from His Majesty's Minister at Panama submitting an amended form of agreement which will require ratification; proposes, in order to avoid this formality, to instruct His Majesty's Minister to endeavour to persuade the Costa Rican Government to agree to the original protocol; and enquires whether the insertion in the protocol of the usual provision respecting Norfolk Island and Papua is necessary.	273
389	Ditto ...	—	April 8	Transmits a copy of a reply from the Board of Trade to enclosure 2 in No. 361, submitting a re-draft of Article 6 of the counter draft Protocol proposed by the Russian Government, together with a copy of a letter to the India Office submitting this re-draft for observations of the Indian Government.	274
390	To Foreign Office ...	—	April 9	Concurs in the proposal in No. 388 and considers that the usual provision respecting Norfolk Island and Papua should be inserted in the protocol.	277
391	Ditto ...	—	April 10	Transmits a copy of No. 387 ...	277
392	Ditto ...	—	April 11	Conveys observations on the draft Articles enclosed in No. 382.	278
393	The Acting Governor-General.	Canada, Telegram.	(Rec. April 12)	States that the Act regarding Canada's adhesion to the Japanese Treaty was assented to on the 10th April, and enquires whether His Majesty's Government approve of the proposals that the Act should come into force on the 1st May, and that notice of adhesion should be given in Tokio on the same day; and whether the Dominion Government can rely on notice being given in Tokio accordingly.	279
394	To Foreign Office ...	—	April 17	Requests, in reply to No. 389, to be informed in due course of the answer of the India Office to the letter enclosed therein; and submits observations on the additional article suggested by the Board of Trade.	279
395	Ditto ...	—	April 17	Transmits a copy of No. 393 together with copies of debates in the Canadian House of Commons on the subject; and enquires in exactly what terms it is proposed to notify the desire of His Majesty's Government for the application to Canada of the Treaty.	280
396	Foreign Office ...	—	April 21	Transmits, in reply to No. 395, a draft of a telegram to His Majesty's Ambassador at Tokio directing that the necessary notification be made to the Japanese Government.	280

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
397	Foreign Office ...	—	April 22	Transmits a copy of a memorandum from the Venezuelan Minister pointing out that the Anglo-Venezuelan Commercial Treaty of 1825 is incomplete and out of date; and proposes to reply that until the differential duties imposed by the Decree of May, 1882, on all goods imported into Venezuela from the British West Indian Colonies are removed negotiations for a fresh treaty cannot be commenced.	281
398	To the Acting Governor-General.	Canada, Telegram.	April 22	Indicates, in reply to No. 393, the text of the telegram which it is proposed to address to His Majesty's Ambassador at Tokio regarding the application of the Anglo-Japanese Commercial Treaty to Canada, and enquires whether Ministers concur.	281
399	The Acting Governor-General.	Canada, 261.	April 12 (Rec. April 23.)	Encloses, with reference to No. 393, a copy of a letter from the Prime Minister enclosing a certified copy of the Act and the Declaration of the Japanese Government as to the maintenance of the existing control of emigration from Japan to Canada, and making proposals for giving notice of adhesion.	282
400	Ditto ...	Canada, Telegram.	(Rec. April 24)	States, in reply to No. 398, that Ministers concur in the proposed terms of the notification to Japan on the 1st May next.	283
401	Ditto ...	Canada, 266.	April 17 (Rec. April 28.)	Transmits a copy of a letter from the Prime Minister covering copies of complimentary correspondence with the Consul-General of Japan respecting the adherence of Canada to the Japanese Treaty of 1911.	283
402	To Foreign Office...	—	May 1	Concurs in the proposed terms of the reply to the memorandum enclosed in No. 397.	284
403	Foreign Office ...	—	May 8	Transmits, with reference to No. 358, a copy of a note from the Swiss Chargé d'Affaires enclosing the French text of the proposed agreement; presumes that the Dominions will now be consulted in regard to the restriction of the power of termination to Articles 9 and 10 of the Treaty, and states that it will be necessary to introduce into the instrument a preamble and a ratification clause.	284
404	Ditto ...	—	May 14	Transmits a copy of a despatch from His Majesty's Representative at Bogota, forwarding a copy of a Note to the Colombian Government notifying the termination of the Anglo-Colombian Commercial Treaty of 1866 in respect of Australia, Papua, and Norfolk Island.	285

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
405	Foreign Office ...	—	May 15	Transmits a copy of a Note from the Japanese Chargé d'Affaires expressing the satisfaction of the Japanese Imperial Government at Canada's adhesion to the Anglo-Japanese Commercial Treaty.	286
406	Ditto ...	—	May 17	Transmits despatch from His Majesty's Minister at Mexico reporting that the Mexican Government have no objection to the proposal that the Anglo-Mexican Treaty of 1888 should cease to be applicable to Norfolk Island as well as to Papua, and that he has made a formal intimation to that effect accordingly.	286
407	To the Governor-General.	Australia, 313.	May 23	Transmits copies of Notes exchanged between the Mexican Government and His Majesty's Minister enclosed in No. 406.	288
408	To the Governors-General and Governors.	Canada, Australia, New Zealand, Union of South Africa, Newfoundland, Confidential (2).	May 26	Transmits copies of correspondence with the Swiss Government relative to the Anglo-Swiss Treaty of 1855 and enquires whether Ministers concur in the conclusion of a treaty in the terms of the Protocol submitted by the Swiss Government.	288
409	Foreign Office ...	—	May 27	Forwards a copy of a despatch from His Majesty's Ambassador at Tokio covering copy of a Note to the Japanese Government formally notifying the adhesion of Canada to the Anglo-Japanese Commercial Treaty of 1911, and of a note in reply acknowledging receipt.	289
410	Ditto ...	—	May 28	Transmits a copy of a despatch from His Majesty's Minister at Bogota forwarding an acknowledgment by the Colombian Government of his communication denouncing the Treaty of 16th February, 1866, so far as regards the Commonwealth, Papua, and Norfolk Island.	290
410A	To Foreign Office ...	—	May 28	Considers it most undesirable to accept the proposals of the Norwegian Government to limit the interpretation of the phrase "British subject" in the proposed agreement respecting exemption from military service; and suggests that the Norwegian Government should be informed that the proposal of His Majesty's Government is intended to cover all British subjects; and adds that no objection is seen to the acceptance of the other amendments proposed by the Norwegian Government.	291

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
411	Foreign Office ...	—	May 31	Encloses a draft of an extradition treaty which it is proposed to submit to the Brazilian Government together with a copy of a letter to the India Office on the subject; and states that the Colonial Articles, if the Secretary of State concurs in them, can be utilized for other such treaties in the future.	292
412	Ditto ...	—	June 4	Transmits a copy of a despatch from His Majesty's Minister at Christiania enclosing the Convention as signed between the United Kingdom and Norway relative to the position of the Dominions in regard to the Anglo-Norwegian Commercial Treaty of 1826; and proposes to take steps for the ratification of the Convention and its despatch in due course to Christiania.	293
413	To the Governor-General.	Canada, 426	June 4	Transmits a copy of the enclosure in No. 409.	295
414	To Foreign Office...	—	June 11	Concurs in the Colonial Articles submitted in No. 411 subject to the alterations indicated; agrees, in view of the urgency of the new extradition treaty with Brazil, to waive the question of consulting the Dominions as contemplated in No. 366, but attaches importance to the procedure being followed in all future cases.	295
415	To the Governor-General.	Australia, 345.	June 13	Transmits copies of the sub-enclosures in Nos. 404 and 410.	296
416	To the Governor ...	New South Wales, 97.	June 13	Inform him that steps have been taken, at the request of the Commonwealth Government, to terminate the Anglo-Colombian Commercial Treaty of 1866 with respect to Norfolk Island.	296
417	Foreign Office ...	—	June 14	Transmits copies of a telegram to His Majesty's Minister at Panama authorising him to sign the Protocol respecting the termination of the Anglo-Costa Rican Treaty in respect of the Dominions if it is identical in form with that between Great Britain and Colombia.	296
418	To Board of Trade	—	June 14	Transmits copies of the sub-enclosures in Nos. 404 and 410.	297
419	Foreign Office ...	—	June 20	Considers, in reply to No. 410A, that those Dominions which are not in a position to grant reciprocity cannot logically claim exemptions for colonials which their Governments may refuse to Norwegians; suggests that either the Dominions should be excluded from the Agreement altogether, or that a clause should be added providing for their accession on terms of reciprocity, and encloses a copy of a letter from the Home Office respecting the definition of "British Subject," together with a draft reply.	297

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
420	Board of Trade ...	Confidential.	June 25	States that the Portuguese Government, during the negotiations for a new Commercial Treaty, has expressed a preference for a Treaty limited in its application to the United Kingdom and to Portugal proper, excluding provision for its extension to the overseas Possessions of both countries; states that the Board are not proposing to depart from the usual form of Colonial Article, except to give the same powers to Portuguese possessions as are given to the Dominions, but asks whether the conclusion of such a Treaty would be open to objection from the point of view of the Colonial Office.	299
421	To Board of Trade	Confidential.	June 30	Trusts that every effort will be made to induce Portugal to accept the Colonial Article, and concurs in the proposal to accord power of withdrawal to Portuguese possessions; encloses draft telegrams to the self-governing Dominions announcing that negotiations are now to be instituted, and asking whether there are any matters of special interest to the Dominions.	300
422	The Governor ...	Newfoundland, Confidential.	June 15 (Rec. July 1.)	States, in reply to No. 408, that Ministers concur in the conclusion of a Treaty with the Swiss Government in the terms of the Swiss Protocol of 25th April, 1913.	300
423	To Foreign Office...	—	July 1	Points out that the view expressed in No. 419 has, after the fullest consideration, been rejected by the Law Officers; expresses the opinion that the test of place of birth as a means of determining the rights of British subjects is wholly impossible of application; concurs in the proposal that the Treaty should be applicable to persons resident and not, as proposed by the Home Office, merely persons domiciled.	301
424	Board of Trade ...	Confidential.	July 3	Concurs in terms of draft telegrams enclosed in No. 421 and encloses copy of revised draft Treaty which has been sent to Sir E. Grey for communication to the Portuguese Government.	302
425	To the Governor ...	Newfoundland, Telegram.	July 8	Asks for a reply to confidential despatch of 18th June; informs him that His Majesty's Government will endeavour to obtain the insertion in the new Commercial Treaty about to be negotiated with Portugal of an Article enabling the self-governing Dominions and Colonies to adhere, but they are not certain that they will be able to obtain this.	303

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
426	To the Governor-General.	Australia, Telegram.	July 8	Asks, with reference to the institution of negotiations for a new Commercial Treaty with Portugal, whether there are any matters of special interest to his Government; states that an endeavour will be made to obtain the insertion of an Article in the Treaty enabling the Dominions and Colonies to adhere; adds that it will be necessary, in order even to obtain most-favoured-nation treatment for United Kingdom products, to prohibit the importation into, and sale in, the United Kingdom of any but Portuguese wines under the description "port," and "madeira."	304
427	To the Governors-General and Governor.	Canada, Union of South Africa, New Zealand, Telegram.	July 8	Enquires, with reference to the new Portuguese Commercial Treaty, whether there are any matters of special interest to his Government; adds that His Majesty's Government will endeavour to obtain the insertion of an Article enabling the self-governing Dominions and Colonies to adhere to the Treaty.	304
428	Foreign Office ...	—	July 9	Transmits copies of despatches from His Majesty's Representative at Lisbon respecting the suggestions of the Portuguese Government for an arrangement according most-favoured-nation treatment for Newfoundland cod.	304
429	To Board of Trade	—	July 10	Transmits copies of Nos. 425 to 427, and of a memorandum with regard to the terms of the draft Treaty with Portugal enclosed in No. 424; asks for views of the Board upon the points raised therein.	306
430	To Foreign Office...	Confidential.	July 10	Transmits copies of Nos. 420, 421, 424, and 429, and asks for views of Sir E. Grey upon the memorandum enclosed in No. 429.	309
431	The Governor ...	Newfoundland, Telegram.	(Rec. July 11)	States that his Ministers are prepared to reduce the import duties on wines the product of Portugal to one dollar per gallon in return for the admission of fish into Portugal on the minimum tariff under most-favoured-nation treatment.	309
432	Foreign Office ...	—	July 12	States, with reference to No. 394, that the Government of India, for the reasons indicated, are strongly opposed to any modification of clause 2 of the Additional Article II in the sense desired by the Russian Government, and adds that the Board of Trade are being asked for observations on this point and the objections raised in No. 394 to the proposed revision of Article V.	309
433	The Governor ...	New Zealand, Telegram.	(Rec. July 13)	States, in reply to No. 427, that the position as regards the interests of New Zealand remains the same as stated in previous correspondence.	310

14. *Commercial Treaties (a)—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
434	To Board of Trade	—	July 18	Transmits a copy of Nos. 423 and 431; trusts that every effort will be made to secure the insertion in the treaty with Portugal of a clause providing for the adherence of His Majesty's Government in respect of any British possession; and considers, with regard to the willingness of Newfoundland to offer a reduction in the duties on port and madeira, that, unless the Portuguese Government ask for some concession, no offer should be made to this effect.	310
435	To Foreign Office...	—	July 18	Transmits copies of Nos. 433, 431, and 434.	311
436	The Governor-General.	Union of South Africa, Telegram, Confidential.	July 23 (Rec. July 23.)	Reports, in reply to No. 427, that Ministers state that the position is still as set forth in their minute of 21st February, 1911; and suggests that, if it has not already been done, the British South Africa Company might be consulted as regards Rhodesian interests.	311
437	To Foreign Office and Board of Trade.	—	July 25	Transmits a copy of No. 436 and proposes to invite an expression of the opinion of the British South Africa Company.	311
438	The Governor ...	Newfoundland, Confidential.	July 14 (Rec. July 28.)	Confirms and amplifies No. 431 ...	312
439	The Governor-General.	Union of South Africa, Confidential.	July 9 (Rec. Aug. 2.)	Transmits a copy of a minute from Ministers concurring in the conclusion of a treaty with the Swiss Federation in the terms of the protocol submitted by the Swiss Government.	312
440	Board of Trade ...	—	August 2	Relates, in reply to No. 440, the history of the negotiations and steps which have led up to the preparation of the present draft; considers that, in the circumstances indicated, it is unnecessary to deal in detail with the criticisms advanced by the Colonial Office on the Articles specified, but recognises the desirability of amending the provisions indicated, and promises to see that the points are duly borne in mind when the negotiations reach a more advanced stage.	313
441	Foreign Office ...	—	August 2	Enquires, with reference to No. 412, whether Mr. Harcourt concurs in His Majesty's ratification of the Convention being now despatched to His Majesty's Minister at Christania for exchange at the proper time.	314
442	To Foreign Office...	—	August 7	Replies to No. 441 in the affirmative ...	314

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
443	Foreign Office ...	—	August 9	Forwards a copy of a despatch from His Majesty's Ambassador at Tokio enclosing copies of correspondence showing the progress made in the negotiations with the Japanese authorities with regard to the registration of trade marks, &c., in Japan by British, Canadian, and Indian subjects.	314
444	To Board of Trade	—	August 9	Notes the views of the Board submitted in No. 440, as to the history of the present draft treaty; but feels, in the circumstances indicated that it would be difficult to explain in a convincing manner to the Dominions why it has been thought fit to depart so largely from the wording of the model treaty submitted to them in September, 1912.	317
445	To Foreign Office...	—	August 9	Transmits copies of Nos. 440 and 444, and requests observations.	317
446	Foreign Office ...	—	August 14	Considers, in reply to No. 445, that, for the reasons stated, the progress of negotiations will be facilitated if His Majesty's Government refrain from introducing alterations in the draft treaty except to meet the wishes of Portuguese Government; concurs generally, therefore, in the reasons advanced in No. 440 but is prepared to adopt the suggested alterations specified; and adds that there is no objection to the opinion of the British South Africa Company being invited as regards Rhodesia.	317
447	The Governor-General.	Australia, Telegram.	(Rec. Aug. 15)	States, in reply to No. 408, that the Commonwealth Government are agreeable to the suggestion that the power of termination be limited to Articles 9 and 10, and that Papua and Norfolk Island be included in any withdrawal of the Commonwealth; his Ministers request that the signing of the Protocol and the ratification by the Swiss Federal Assembly may be expedited, and desire that, thereupon, immediate notice may be given of withdrawal on behalf of the Commonwealth.	318
448	To Foreign Office...	—	August 27	Considers, in reply to No. 446, that, in addition to the amendments which Sir E. Grey is prepared to adopt, it is essential that the alterations indicated should be made.	318
449	To Board of Trade	—	August 27	Forwards copies of Nos. 446 and 448, and hopes that, on reconsideration, the Board will concur in the proposed alteration.	319
450	The Governor ...	New Zealand, Telegram, Confidential.	(Rec. Sept. 1.)	Concurs, in reply to No. 408, in the conclusion of a treaty with the Swiss Federation in the terms of the Protocol submitted in the Swiss Minister's note of the 25th April.	319

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
451	Board of Trade ...	—	September 2	Agrees, in reply to No. 442, to the proposed alteration in Articles 1 and 13, and considers that no alteration should be made in Article 4.	319
451A	The Acting Governor-General.	Canada, Confidential.	August 29 (Rec. Sept. 8.)	Transmits a copy of a letter from the Department of External Affairs asking for copies of the legislative enactments, and executive regulations respecting the regulation of immigration into Japan and the disabilities imposed upon foreigners seeking to engage in business in that Empire.	320
452	Foreign Office ...	Confidential.	September 8	Transmits, in reply to No. 448, a copy of a despatch to His Majesty's Charge d'Affaires at Lisbon requesting him to bring to the notice of the Portuguese Government at the proper time the suggested alteration of Articles 1 and 13.	321
453	Idito ...	—	September 8	Transmits, with reference to No. 432, a copy of a letter from the Board of Trade on the subject, and a copy of a memorandum showing the practice of the Russian Government with regard to preferential duties on goods imported by land frontiers; proposes that further consideration of the amendments to Article 4 should be suspended until the receipt of the Law Officers' opinion on the status of British Colonial ships; suggests that it should be explained to the Dominion Governments that Article 6 will be so drafted as not to be binding on them.	321
454	To Foreign Office...	—	September 19	Agrees that if the trade concessions desired by Russia do not affect the interests of the Dominions and do not go beyond the existing practice, a case can be made out for dispensing with consultation with the Dominions; points out, however, that the insertion of the additional Article suggested would necessitate such consultation; but suggests waiting until a draft reply to the Russian proposals can be prepared, and that this draft be then submitted to the Dominions for concurrence.	324
455	Foreign Office ...	—	September 22	Forwards a copy of a despatch from His Majesty's Minister at Buenos Aires reporting a conversation with the Argentine Minister for Foreign Affairs on the draft Commercial Treaty which has been submitted to the Government.	324
456	Idito ...	—	September 24	Transmits a copy of a despatch from His Majesty's Minister at Panama transmitting the Protocol modifying the Commercial Treaty with Costa Rica, as signed.	325
457	Idito ...	—	September 27	Transmits the draft reference to the Law Officers respecting the international status of vessels owned or registered in the Dominions.	326

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
458	To the Governors-General and Governors.	Canada, 752; Australia, 585; New Zealand, 386; Union of South Africa, 417; Newfoundland, 367.	October 3	Transmits copies of a Protocol between His Majesty's Government and Costa Rica respecting the application to certain parts of the Dominions of the Commercial Treaty of 27th November, 1849.	328
459	To the Governor-General.	Union of South Africa, 421.	October 4	Observes that no legislation appears to have been passed by the Union Parliament to carry out the obligation imposed on it by the Convention of the 26th September, 1906, to prohibit the importation, &c., of matches containing white phosphorus; presumes that Ministers will consider the desirability of passing such legislation before the 3rd of May, 1914, when the Convention becomes binding on the Union, and explains that such legislation is considered necessary even though white phosphorus should not be used locally in the manufacture of matches, and though matches made of white phosphorus should not be imported.	328
460	The Governor-General.	Australia, Telegram.	(Rec. Oct. 8)	States, in reply to No. 426, that there are no matters of special interest to the Commonwealth which it is desirable to include in the proposed Treaty, but observes that Ministers do not consider it desirable that any Treaty should be concluded the effect of which would be to exclude the importation into the United Kingdom of wines described as Australian port or madeira.	329
461	Foreign Office	—	October 13	Transmits a copy of a despatch from His Majesty's Ambassador at Tokio reporting a difference of opinion between Mr. Crowe, the Commercial Attaché and the Japanese Government, as to whether matters relating to patents, trade marks, &c., are outside the scope of the Anglo-Japanese Treaty of the 3rd April, 1911, and asking for instructions.	329
462	To the Governor-General.	Australia, Telegram.	October 16	Explains, in reply to No. 460, the circumstances under which it has been found necessary to offer to the Portuguese Government the introduction of legislation for the prohibition of the importation or sale of port or madeira other than Portuguese.	331
463	Board of Trade	—	October 18	Forwards copies of the draft International Conventions for the unification of maritime law with regard to Limitation of Shipowners' Liability and Maritime Mortgages and Liens, with a memorandum calling attention to the principal alterations made by the Sous-Commission; suggests that the drafts should be transmitted to the Dominions for their observations, and enquires whether the Secretary of State sees any objection to the insertion of the articles specified.	332

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
464	Foreign Office	—	October 21	Transmits, with reference to No. 455, a copy of a despatch and an extract from a despatch from His Majesty's Minister at Buenos Aires, in which he forwards and comments upon a counterdraft Commercial Treaty received from the Argentine Minister for Foreign Affairs.	332
465	Ditto	—	October 24	Forwards copies of correspondence with His Majesty's Minister at Christiania respecting the proposed Agreement with Norway for the reciprocal exemption of British and Norwegian subjects from military service; the Minister has been informed that His Majesty's Government are of opinion that no advantage would result from pursuing the matter further at present.	335
466	To Board of Trade	—	October 31	States that the papers enclosed in No. 463 will be forwarded as requested, but that it appears most desirable that the Dominions should be invited to be represented at this International Conference; promises to call the attention of the Dominions to the "Colonial Clauses," but observes that it would be desirable to secure the right of separate accession and denunciation in respect of all parts of the Empire.	337
467	To Foreign Office	—	October 31	Observes that the draft Treaty enclosed in No. 464 appears to be open to great objection, but defers comments pending the receipt of the observations of the Board of Trade.	338
468	Ditto	—	November 5	Presumes, in reply to the arguments of the Japanese Government submitted in No. 461, that, in the absence of a definite understanding that patents, trade marks, &c., are to be considered as coming within the scope of the Anglo-Japanese Treaty of 1911, such matters fall within the scope of the general provision of the Treaty respecting Commerce and Industry, and enquires whether the contention of the Japanese Government that the subject was excluded by express agreement of the negotiations from the scope of the Treaty of 1911 is supported by the records of the negotiations or by the recollection of the British negotiators.	338
469	Foreign Office	—	November 17	Transmits, in reply to No. 467, a copy of a letter from the Board of Trade objecting to the counterdraft Treaty submitted by the Argentine Government, and suggesting that that Government should be invited to reconsider the British draft, together with a draft of a despatch to His Majesty's Minister at Buenos Aires accordingly.	339

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
470	Board of Trade ...	—	November 17	States, in reply to No. 466, that invitations to attend the Conference in question are not issued by His Majesty's Government; but suggests that, if it is considered necessary to mention the question of separate representation to the Dominions, such mention should be confined to a statement that, if the Dominion should desire to be invited to send a representative to the Conference which will probably be held next year, His Majesty's Government would communicate this desire to the Belgian Government which convenes the Conference.	341
470A	To Foreign Office and Board of Trade.	—	November 18	Makes observations as to the "Colonial Article" to be inserted in any Convention negotiated by the International Conference on Safety of Life at Sea; indicates the lines upon which it is proposed that the Article should be drawn, and states that, if these proposals are accepted, they will be communicated to Canada, Australia, and New Zealand for approval.	342
471	The Governor-General.	Canada, Confidential.	November 12 (Rec. Nov. 21.)	Transmits copies of an approved Privy Council minute, expressing concurrence in the conclusion by His Majesty's Government of a Treaty with the Swiss Federation in the terms of the draft Protocol submitted in the Swiss Minister's note to Sir Edward Grey of the 25th April, 1913.	343
472	To the Governor-General.	Australia, Confidential, 2.	November 28	Reports, in reply to No. 447, as to the progress made with regard to the draft Protocol, and states that, as soon as it has been ratified, steps will be taken to notify the withdrawal of His Majesty's Government from Articles IX and X in respect of Australia, Papua, and Norfolk Island.	344
473	To Foreign Office...	—	December 1	Transmits copies of Nos. 422, 439, 447, 450 and 471, and requests that the Swiss Government may be approached with a view to the conclusion of the Protocol, and also that, after ratification of the same, notice may be given of the withdrawal of His Majesty's Government in respect of Australia from Articles IX and X of the Treaty.	345
474	Ditto ...	—	December 1	Doubts whether the draft reference enclosed in No. 457 provides sufficient material, and encloses a copy of a Colonial Office memorandum for inclusion among the documents to be laid before the Law Officers, if Sir E. Grey has no objection; requests to be informed if any light is thrown on the questions specified by the records of the negotiations of the respective Treaties; and adds that a copy of the correspondence has been sent to the Board of Trade.	345
475	To Board of Trade.	—	December 1	Transmits copies of Nos. 457 and 474 ...	356

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
476	To Foreign Office...	—	December 4	Transmits a copy of No. 470 and proposes to communicate at an early date to the Dominions copies of the draft Conventions and the memorandum, and to add the statement suggested by the Board of Trade.	357
477	To Foreign Office and Board of Trade.	—	December 4	Forwards an addendum to the memorandum enclosed in No. [474] [475].	357
478	Board of Trade ...	—	December 8	Transmits a letter from Messrs. J. E. Evans Jackson & Co. stating that they are informed that trade marks the property of Canadian proprietors cannot be registered in Denmark or Sweden in the absence of any Agreement between Canada and those countries for the mutual protection of trade marks; makes observations on certain treaty stipulations which appear to have some bearing on the matter.	357
479	Foreign Office ...	—	December 9	States, in reply to No. 468, what took place in regard to trade marks and patents during the negotiation of the Treaty of 1911, and considers that, in the circumstances, it is undesirable to press the claim advanced by Mr. Crowe.	358
480	Ditto ...	—	December 10	Concurs in the terms of the communication to the Governor-General and Governors proposed in No. 476.	360
481	To Board of Trade...	—	December 10	Considers, for the reasons indicated, that the proviso to Article 21 of the draft model Commercial Treaty should not be put forward in future negotiations, and proposes to inform the Dominions accordingly.	360
482	To Foreign Office...	—	December 10	Concurs in the terms of the proposed despatch in No. 469, with the amendment indicated, and encloses a copy of No. 481.	360
483	Foreign Office ...	—	December 12	Transmits a copy of a despatch from His Majesty's Ambassador at Tokio supplying information with regard to disabilities imposed on foreigners trading in Japan.	361
484	To Foreign Office...	—	December 13	Proposes, in continuation of No. 476, to forward the draft Conventions to those Colonies which have any considerable shipping and to enquire whether they wish to adhere or not, and observes that the question of the separate treatment of the shipping of non-contracting Powers may be of considerable importance to some of the West Indian Colonies, and will have to be duly examined before Imperial legislation to carry the conventions into effect is submitted to Parliament if such legislation is to apply to the Colonies.	361

14. Commercial Treaties (a)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
485	Board of Trade ...	—	December 17	Agrees, in reply to No. 481, that it would be well to abstain from proposing the inclusion of the paragraph in question in any future Treaties.	365
486	The Governor-General.	Canada, Telegram.	(Rec. Dec. 19)	States that his Government requests that His Majesty's Government will secure a clause in the proposed Commercial Treaty with Portugal under which Canada will be enabled to adhere thereto and also withdraw therefrom after due notice, and that the Government are also anxious to obtain the advantages of the Portuguese Conventional Tariff on coal and other fish exported from Canada.	365
487	Messrs. J. E. Evans-Jackson and Company.	—	December 19	Submits full particulars and encloses copies of correspondence respecting the incidents referred to in No. 478.	365
488	To the Governors-General and Governors.	Canada, 599 ; Australia, 772 ; New Zealand, 497 ; Union of South Africa, 479 ; Newfoundland, 334.	December 19	Transmits copies of the draft International Conventions for the unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens, and a memorandum calling attention to the principal alterations made, and enquires whether Ministers concur in the draft Conventions or whether they desire to suggest any alterations, and whether they desire to send a representative to the International Conference.	367
489	To Board of Trade and Foreign Office.	—	December 20	Transmits copies of No. 486, and enquires what reply should be returned.	368
490	Messrs. J. E. Evans-Jackson & Co.	—	December 22	Forwards, in continuation of No. 487, a further communication from their agents in Toronto from which it will be seen that the matter is receiving the attention of the authorities in Canada.	368
491	To Foreign Office...	—	December 24	Concurs, in reply to No. 479, that it is not necessary further to discuss the question with the Japanese Government, and encloses a draft despatch to the Canadian Government explaining the position.	369
492	To the Governor-General.	Canada, Confidential.	December 24	Transmits a copy of the enclosure in No. 483.	369

(b) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

[See also Section 3: International Exhibitions.]

			1912.		
			—		
493	The Governor-General.	Australia, 96.	May 31 (Rec. July 8.)	Reports that as adherence to the International Opium Convention would involve legislative and administrative obligations in matters not alone of Federal concern, the State Premiers have been asked whether they desire the Commonwealth to adhere on their behalf, and, if so, whether they will consider the question of uniform legislation.	369

14. Commercial Treaties (b)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
			—		
494	The Acting Governor-General.	Union of South Africa, 544.	August 12 (Rec. Aug. 31.)	Transmits copy of Ministers' minute regretting that they are unable to recommend adherence of the Union Government to the Opium Convention.	370
495	Foreign Office ...	—	September 13	Transmits, with observations, a copy of a letter from the General Post Office as to the representation of the self-governing Dominions at the International Radiotelegraphic Conference, and concurs in the views expressed therein.	370
496	To the Governors-General and Governors.	Canada, 659 ; Australia, 885 ; Union of South Africa, 438 ; New Zealand, 274.	September 20	Transmits copies of the International Radiotelegraphic Convention and enquires whether the adhesion of the Dominion should be notified, in the event of His Majesty's Government ratifying the Convention.	373
497	To Foreign Office...	—	September 25	States, with reference to No. 495, that Mr. Harecourt is not prepared to take exception to the views of the Postmaster General, but points out that in 1907 the Canadian Ministers did not receive full powers on behalf of Canada, but were in the position of representatives of His Majesty's Government.	373
498	To the Acting Governor-General.	Union of South Africa, 442.	September 25	Urges reconsideration of Ministers' decision conveyed in No. 494.	374
499	Foreign Office ...	—	September 26	Encloses copies of a revised Radiotelegraphic Convention, Final Protocol, and Service Regulations for communication to Dominions.	374
500	Ditto ...	—	October 1	Explains, in reply to No. 497, that full powers under the Royal Sign Manual for the purpose of negotiations with foreign States in all cases authorize the holders to represent the King.	375
501	To the Governors-General and Governor.	Canada, 679 ; Australia, 396 ; New Zealand, 282 ; Union of South Africa, 456.	October 2	Transmits copies of enclosures in No. 499.	375
502	Foreign Office ...	—	October 3	Points out, with reference to No. 496, that, having already become parties to the Convention by actual signature, the Dominions do not require to accede thereto, but that the enquiry which should be made of them is whether, so far as each is concerned, they assent to His Majesty's ratification of the Convention being deposited at the proper time.	375

14. Commercial Treaties (b)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
503	To Foreign Office ...	—	October 18	States, in reply to No. 502, that the wording of No. 496 was based on Article 12 of the Convention, and suggests that if it is desired to make the Convention binding on any of the Colonies a declaration that His Majesty's Government adhere to it in respect of such Colonies will be necessary.	376
504	Foreign Office ...	—	October 24	Points out, in reply to No. 503, that Article 12 of the Convention provides that in cases where Governments accede to the Convention they shall be grouped into "pairs" for purposes of voting at Conferences; and states that the Dominions concerned, having already become parties to the Convention, do not require again to accede, and that the only further step necessary is the deposit of His Majesty's ratification approving the Convention.	376
505	To Foreign Office ...	—	November 27	Notes the opinion expressed in No. 504 and assumes that the Protectorates will be treated in the same way, and that in any case, it will be made clear that the Convention may be terminated separately in respect of any British possession, as in the case of the Colonies, &c., of adhering Governments; and submits a further explanation of the grounds on which it was considered that a notification of adherence would be necessary to apply the Convention to British possessions.	377
506	To the Governors-General and Governors.	Canada, 835; Australia, 514; New Zealand, 363; Union of South Africa, 565; Newfoundland, 247.	December 6	Transmits copies of a Memorandum prepared by the General Post Office on the International Radiotelegraphic Conference held in June and July last.	378
507	Foreign Office ...	—	December 20	Makes observations on several points raised in No. 505; and requests a list of those Colonies and Protectorates to be covered by His Majesty's ratification.	378
			1913.		
508	To Foreign Office ...	—	April 8	Deprecates any proposal to adopt as a general model the scheme prescribed by the Radiotelegraphic Convention for the representation of British possessions and the allocation of voting power; and considers that every self-governing Dominion or Colony which may join the proposed Commission Internationale de l'Heure should have a separate vote.	379

14. Commercial Treaties (b)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
509	Foreign Office ...	—	April 22	States that, so far as the Foreign Office is aware, the proposals of the French Government for the creation of a Commission Internationale de l'Heure have not yet been submitted to the Governments concerned; and presumes that definite proposals as to the representation and voting power of the Dominions will be submitted in due course.	380
510	To Foreign Office ...	—	May 3	Suggests an alteration of Article 6 of the draft Convention on the question of the transmission of weather reports, &c., by wireless telegraphy, so as to allow of the representation of Colonies, &c., and asks that the French Government may be informed that His Majesty's Government do not regard the Radiotelegraphic Conference as a suitable precedent, so far as the limitation of the number of votes cast by any single Power is concerned, but desire that there should be a separate vote for each Government joining the Commission, whether metropolitan or colonial.	380
511	Foreign Office ...	—	June 10	Concurs in the amended Article set forth in No. 510, subject to the alteration indicated; suggests an addition to the Article which will meet the wishes of the Colonial Office with regard to separate voting, and encloses a draft note to the French Ambassador suggesting these amendments in the Convention.	381
512	To Foreign Office ...	—	June 13	Concurs in the draft enclosed in No. 511, but calls attention to certain points.	383
513	Foreign Office ...	—	August 13	Transmits a copy of a note from the French Ambassador stating that the proposed Convention dealing with the constitution of the Commission Internationale de l'Heure has been modified as indicated to meet the views of His Majesty's Government, and enquiring with regard to the nomination of delegates.	383
514	The High Commissioner for Australia.	—	August 13	States that Dr. E. Carroll, Trade Commissioner for the Commonwealth in Switzerland, has been appointed to represent the Commonwealth at the International Conference on Night Work; asks that the necessary notification may be made to the Swiss Government, and requests a list of the questions to be submitted to the Congress.	384
515	To the High Commissioner for Australia.	—	August 29	Forwards, in reply to No. 514, a copy of a note from the Swiss Minister setting forth the proposals submitted as a basis for the deliberations of the International Conference.	384
516	To Foreign Office ...	—	August 29	Forwards a copy of No. 515; observes that No. 514 was the first intimation to Mr. Harcourt that such a Conference was pending; and enquires whether there were any special reasons why the Dominions should not have been invited to send representatives to the Conference.	385

14. Commercial Treaties (b)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
517	To the Governor-General and Governors.	Canada, 656; Australia, 496; New Zealand, 325; Union of South Africa, 338; Ceylon, 511; Hong Kong, 206.	August 29	Transmits a copy of correspondence with the French Ambassador and of a memorandum communicated by the German Ambassador relative to the proposed Commission Internationale de l'Heure.	385
518	Foreign Office ...	—	September 6	Explains, in reply to No. 516, why the Dominions were not invited; enquires whether the question of the representation of the Dominions at such Conference has ever been settled; proposes, if it is found that the Swiss Government addressed separate invitations to the Dominions, to represent to them the irregularity of such proceeding.	386
519	To Foreign Office ...	—	September 22	Observes that it has become the rule rather than the exception to invite the participation of the self-governing Dominions in International Conferences and Congresses; requests, therefore, that copies of the Report of the International Conference on Night Work, &c., may be supplied for communication to the Dominions, and adds that, for the reasons stated, the Secretary of State would prefer that nothing should be said to the Swiss Government.	386
520	To the Governor ...	New Zealand, 432.	October 31	Enquires whether, in the event of an International Conference being held for the purpose of drawing up conventions relating to the prohibition of night work by young workers, and the limitation of the hours of work of women and young workers, his Ministers would desire to be represented.	387
521	To the Governor-General and Governor.	Canada, 858; Australia, 590; Union of South Africa, 489; Newfoundland, 319.	November 14	Ditto	387

(c) CONCLUSION OF COMMERCIAL AGREEMENTS BY THE DOMINIONS.

			1912.		
522	The Governor ...	New Zealand, 64.	May 22 (Rec. July 1.)	Transmits memorandum from Prime Minister stating that enquiries are being made as to the possibility of a commercial agreement with France on the subject of the importation of frozen meat into that country, and promising a further communication when such enquiries shall have been completed.	388

14. Commercial Treaties (c)—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
523	To the Governor ...	New Zealand, 215.	July 23	Presumes that the enquiries referred to in No. 522 are being conducted through the French Consul-General in New Zealand, and states that should the enquiries result satisfactorily His Majesty's Government will be pleased to institute formal negotiations.	388
524	The Governor ...	New Zealand, 153.	September 26 (Rec. Nov. 4.)	Transmits, in reply to No. 523, copy of a memorandum from the Prime Minister stating that the enquiries referred to are being confined to an investigation of the character and dimensions of New Zealand's present trade with France, and that no negotiations would be made except through His Majesty's Government.	389

15.

(RESOLUTION XX): ROYAL COMMISSION AS TO NATURAL RESOURCES AND IMPROVEMENT OF TRADE OF THE EMPIRE.

			1913.		
525	The Governor-General.	Australia, 17.	January 22 (Rec. Mar. 10.)	Reports that Ministers consider, for reasons stated, that the evidence taken before the Dominions Royal Commission attacking Australian land tax legislation should be expunged from the report of the proceedings.	391
526	To the Governor-General.	Australia, 194.	March 20	States, in reply to No. 525, that the matter is being referred to the Chairman of the Commission, and that a further reply will be sent in due course, and points out that the evidence objected to has already been published.	391
527	The Chairman of the Dominions Royal Commission.	Telegram	(Rec. April 1)	States that he has come to an agreement with the Governor-General that, as the Commonwealth Government does not propose to call witnesses, the Commission will not take evidence in Australia on the subject of the land tax, and explains that he did not express regret that the evidence was taken, but that there should be any divergence in the interpretation of the terms of reference.	392
528	Ditto	—	May 3 (Rec. June 7.)	Reports that the Commonwealth Prime Minister proposes to furnish to the Commission a statement on the subject of the Federal Land Tax, and he suggests that it should be published as an appendix to the evidence taken by the Commission in Australia.	392

16.

(RESOLUTION XXIV): UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION EXCLUSION.

			1912.		
529	The Acting Governor.	Newfoundland, Telegram.	(Rec. July 3)	States that Ministers do not desire to press the matter at the present moment and think that the question may well be allowed to stand over until taken up again by the other Dominions.	393

16. *Alien Immigration Law—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
530	The Governor-General.	Australia, Telegram.	(Rec. July 9)	States that his Government does not propose that the question of alien immigration legislation should be considered by the Royal Commission.	393
531	To the Governor-General.	Canada, Telegram.	August 19	Informs him that the other Dominions agree that the question of alien immigration legislation need not be considered by the Royal Commission; asks when Ministers' views may be expected.	393
532	The Acting Governor-General.	Canada, Telegram.	(Rec. Sept. 20)	Reports that his Government agree with the other Dominion Governments that the question of alien immigration legislation need not be considered by the Commission.	393

17.

(RESOLUTION XXV): MUTUAL ENFORCEMENT OF JUDGEMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGEMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

			1912.		
			June 26		
533	The Governor-General.	Union of South Africa, 431.	(Rec. July 13.)	Transmits copy of a Minute from Ministers stating that they agree in principle with the resolution of the Conference, and offering suggestions as to the form which the Imperial Act should take.	395
534	The Governor	Queensland, 31.	July 20 (Rec. Aug. 26.)	States that the Queensland Government desires to ascertain the opinions of the other States with a view to uniformity in legislation.	395
535	Ditto	New Zealand, 118.	July 31 (Rec. Sept. 9)	Transmits a copy of a memorandum by the Solicitor-General, in which the Government concurs, setting forth views as to the mutual enforcement of judgements and orders of court, and recommending that the New Zealand Government should approve of the proposed legislation.	396
536	To the Lord Chancellor and the Board of Trade.	—	September 20	Transmits, for observations, a copy of No. 535.	397
537	The Acting Governor.	Tasmania, 36.	August 16 (Rec. Sept. 23.)	Transmits a copy of a letter from the Premier stating that Ministers accept the principle of the Resolution, and are prepared to introduce legislation to reciprocate with any self-governing Dominion, State or Province.	397
538	Board of Trade	—	September 30	Observes that the points raised in the enclosure in No. 535 appear to be matters for the consideration of the Law Officers of the Crown, but suggests that, before consulting them, it might be well to await replies from all the Dominions.	398
539	The Governor	Western Australia, 75.	November 18 (Rec. Dec. 16.)	Reports that his Government proposes to introduce during the next Session a measure on the lines suggested by the Secretary of State.	398

17. *Mutual Enforcement of Judgements and Orders of Courts of Justice—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
540	The Governor	South Australia, 79.	November 27 (Rec. Dec. 30.)	Forwards a report by the Chief Justice, which has the approval of the Government, submitting observations regarding the mutual enforcement of judgements and orders of courts, and expressing opinion that the proposed legislation would undoubtedly be a great public benefit.	399
			1913.		
541	Ditto	New South Wales, 116.	December 4, 1912 (Rec. Jan. 13, 1913.)	Reports Ministers' suggestions for Imperial legislation for the mutual enforcement of judgements and orders of courts.	400
542	The Acting Governor.	Newfoundland, 17.	February 10 (Rec. Feb. 21.)	Reports that his Ministers are prepared to accept the principle recommended by the Imperial Conference, and that the necessary legislation will be prepared for introduction at the coming session.	400
543	To the Governors-General and Governors.	Canada, 139; Australia, 124; New South Wales, 36; Victoria, 24; Queensland, 26; South Australia, 21; Western Australia, 31; Tasmania, 24; New Zealand, 77; Union of South Africa, 82; Newfoundland, 17.	February 21	Transmits copies of despatches, and requests the views of the Ministers of the Commonwealth, Victoria, and Queensland on the subject.	401
544	To the Lord Chancellor and Board of Trade.	—	February 25	Transmits copies of correspondence	401
545	To the Governors-General and Governors.	Canada, 217; Australia, 133; New South Wales, 51; Victoria, 33; Queensland, 37; Tasmania, 36; South Australia, 32; Western Australia, 38; New Zealand, 113; Union of South Africa, 131.	March 19	Transmits, for the information of Ministers, a copy of No. 542.	402
546	To the Lord Chancellor and the Board of Trade.	—	March 19	Transmits copy of No. 542	402

17. *Mutual Enforcement of Judgements and Orders of Courts of Justice—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1918.		
547	Board of Trade ...	—	May 10	Proposes to approach the Lord Chancellor respecting the form to be taken by the legislation of the United Kingdom which is necessary to give effect to the Resolution of the Imperial Conference, and requests a set of the replies of the Dominions.	402
548	The Governor ...	Victoria, 30.	April 15 (Rec. May 19.)	States that it is the intention of Ministers to introduce a Bill during next session on the lines suggested by the Colonial Office.	403
549	Ditto ...	Western Australia, 34.	April 21 (Rec. May 19.)	Forwards a copy of a report by the Law Officers, in which the Government concurs, expressing the opinion that legislation giving effect to the Resolution would be of very great advantage and could best be obtained by an Imperial Act.	403
550	The Acting Governor.	Queensland, 21.	April 19 (Rec. May 24.)	Forwards a copy of a memorandum by the Attorney-General submitting that the reciprocal legislation to be adopted should be in language practically identical with the Imperial legislation, and stating that Ministers are prepared to introduce a Bill of such a character.	404
551	To Board of Trade	—	June 5	Suggests, in reply to No. 547, that the views of the Commonwealth Government should be awaited before the terms of the legislation to be introduced in this country are settled; informs them that the Lord Chancellor has been supplied with a complete set of the replies of the various Governments, but invites attention before he is approached, to the suggestion of the Board of Trade that a reference should be made to the Law Officers of the Crown.	405
552	To the Lord Chancellor and Board of Trade.	—	June 5	Transmits copies of Nos. 548 and 549 ...	406
553	To the Governor-General.	Australia, 328.	June 6	Transmits copies of Nos. 548 and 549 and requests a reply to Secretary of State's despatch of 27th March, 1912.	406
554	The Acting Governor-General.	Canada, 473.	July 21 (Rec. July 31.)	Forwards a copy of a letter from the Department of External Affairs submitting copies of replies received from the various Provincial Governments, with the exception of Alberta and British Columbia, on the subject.	406
555	To Board of Trade and the Lord Chancellor.	—	August 14	Transmits a copy of No. 554 ...	410
556	The Governor-General.	Canada, 665.	November 13 (Rec. Nov. 24.)	Forwards a copy of a letter from the Department of External Affairs transmitting copies of the replies of the Provinces of British Columbia and Alberta.	410

17. *Mutual Enforcement of Judgements and Orders of Courts of Justice—(contd.)*

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1918.		
557	The Governor-General.	Australia, 252.	October 22 (Rec. Dec. 1.)	States that the adoption of the principle embodied in the resolution is considered by Ministers to be very desirable, and makes observations as to the constitutional position of the Federal Government in the matter.	414
558	To the Governors-General and Governors.	Canada, 837; Australia, 761; New South Wales, 206; Victoria, 169; Queensland, 141; South Australia, 129; Western Australia, 187; Tasmania, 121; New Zealand, 492; Union of South Africa, 564; Newfoundland, 349.	December 17	Transmits copies of despatches ...	415
559	To the Lord Chancellor.	—	December 17	Transmits copies of Nos. 550, 556, and 557.	415
560	To Board of Trade	—	December 18	Transmits copies of Nos. 550, 556, and 557; suggests reference to the Lord Chancellor and the Law Officers of the Crown.	416

18.

(RESOLUTION XXVI): SUEZ CANAL DUES.

			1912.		
561	To the Governors-General and Governors.	Canada, 865; Australia, 883; Union of South Africa, 441; New Zealand, 276; Newfoundland, 194.	September 25	Notifies reduction in the Suez Canal transit dues by 50 centimes per ton from 1 January, 1913.	417

19.

IMPERIAL EDUCATION CONFERENCE.

			1912.		
562	The Governor ...	Victoria, 30.	June 6 (Rec. July 15.)	Reports that the Agent-General has been nominated to represent Victoria on the proposed Committee.	419

19. Imperial Education Conference—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
			—		
563	Board of Education	—	July 23	States that the Board were not aware that the Provincial Governments of Canada had "accredited agents" in London who could be nominated as representatives to serve on the Standing Committee, but adds that the matter appears to be one for the Dominion Government to settle.	419
564	The Governor-General.	Australia, 118.	June 18 (Rec. July 29.)	States that the Commonwealth Government will be represented on the Committee by the High Commissioner for the Commonwealth in London, or a suitable officer nominated by him.	419
565	The Acting Governor.	Queensland, 22.	June 20 (Rec. July 29.)	States that the Agent-General for Queensland has been instructed to represent the State on the Committee.	420
566	To Governor-General.	Canada, 521.	July 31	Requests that the Dominion Government will decide, if necessary in consultation with the Provincial Governments, the question of the representation of the Provincial Governments on the Committee.	420
567	The Governor ...	Tasmania, 23.	June 27 (Rec. Aug. 5.)	Transmits communication from the Premier nominating the Agent-General for Tasmania in London as the representative of Tasmania on the Standing Committee.	421
568	Ditto ...	South Australia, 33.	July 2 (Rec. Aug. 5.)	Reports nomination of Agent-General in London as representative of South Australia on the Standing Committee.	421
569	Ditto ...	New South Wales, 59.	July 9 (Rec. Aug. 12.)	Reports nomination of the Agent-General in London as representative on the Standing Committee.	422
570	Ditto ...	Western Australia, 43.	August 3 (Rec. Sept. 2.)	Reports that Ministers desire to nominate Mr. Cyril Jackson to represent them on the Committee.	422
571	Ditto ...	New Zealand, Telegram.	(Rec. Sept. 16)	States that Ministers recommend that the High Commissioner be appointed to act on the Committee.	422
			1913.		
			—		
572	To the Governor-General.	Canada, 31.	January 9	Transmits copy of correspondence on the subject of the representation of Nova Scotia on the Advisory Committee for the Imperial Education Conference, and enquires the wishes of his Government in the matter.	423
573	The Governor ...	Newfoundland, 2.	January 5 (Rec. Jan. 25.)	States that his Ministers are not at present prepared to appoint a representative on the Committee.	424

19. Imperial Education Conference—(contd.)

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
			—		
574	The Governor-General.	Canada, 44.	January 30 (Rec. Feb. 11.)	Transmits, in reply to No. 572, a copy of a letter from the Department of External Affairs stating that Nova Scotia and Quebec will be represented on the Committee by their Agents-General in London.	424
575	The Acting Governor-General.	Canada, 296.	April 29 (Rec. May 9.)	Forwards a copy of a letter from the Department for External Affairs and giving the names of the representatives nominated to the Standing Committee by Ontario, Nova Scotia, and Quebec.	425

FURTHER CORRESPONDENCE
RELATING TO THE
IMPERIAL CONFERENCE.

1.
(RESOLUTION 1.): CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

5184/S

No. 1.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 2.]

(Confidential.)

SIR,

Downing Street, 17th February, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th instant,* forwarding copy of a telegraphic correspondence with His Majesty's Ambassador at Washington in regard to the renewal of the existing Treaty of Arbitration with the United States.

2. Mr. Harcourt presumes that, in accordance with established practice, the existing Treaty will not be renewed, nor a fresh Treaty concluded, without prior consultation with Canada. Having regard to the fact that claims affecting all the other self-governing Dominions have been presented by the United States Government under the Pecuniary Claims Agreement, which was concluded in pursuance of the existing General Treaty of Arbitration, Mr. Harcourt is of opinion, and he will be glad to learn that Sir E. Grey agrees, that these Dominions must, in the future, be treated on the same footing as Canada in respect to arbitration arrangements with the United States.

I am, &c.,
H. W. JUST.

8395

No. 2.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 March, 1913.)

[Answered by No. 3.]

(Confidential.)

SIR,

Foreign Office, March 10th, 1913.

IN reply to your letter, 5184 S., of the 17th ultimo,† I am directed by Secretary Sir E. Grey to point out that the Pecuniary Claims Agreement with the United States was not concluded in pursuance of the General Arbitration Treaty of 1908, but under the Hague Convention of October 18th, 1907, as will be seen from the preamble. As a matter of fact pecuniary claims existing in 1908 were specifically excluded from the scope of the Arbitration Treaty by notes exchanged at the time of signature. The text of these notes is published as an annex to the treaty (Cd. 4179).

Nor does it appear to Sir E. Grey that the practice of consulting the Dominions in general, or Canada in particular, with regard to arbitration treaties can be regarded as "established in practice." Prior to the treaty of 1908 with the United States ten such treaties had been concluded without consultation with any of the Dominions, and the Canadian Government was only consulted about that particular treaty because it was specially interested in the negotiations for the settlement of the pecuniary claims and boundary waters questions, which negotiations were being carried on simultaneously.

* 5181: not printed.

† No. 1.

Moreover, so far as Sir E. Grey is aware, none of the Governments of the self-governing Dominions were consulted prior to the signature of the (unratified) Arbitration Treaty of 1911 with the United States. Even the Canadian Government, though aware that negotiations were on foot, did not claim to be consulted.

Nevertheless, Sir E. Grey has not overlooked the resolutions adopted by the Imperial Conference of 1911, copy of which was enclosed in your letter 23609, of August 19th of that year,* and he is quite ready to concur in the proposal to consult the Dominions with regard to the renewal of the Arbitration Treaty of 1908 with the United States if Mr. Harcourt considers that the renewal of existing treaties is included in the undertaking given by His Majesty's Government in 1911, and that the interests of the Dominions are not sufficiently guarded by the reservation by His Majesty's Government of the right, before concluding a special agreement in any matter affecting the interests of a self-governing Dominion, to obtain the concurrence therein of the Government of that Dominion.

I am, &c.,
LOUIS MALLET.

8395

No. 3.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir,

Downing Street, 26 March, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th March,† on the subject of the renewal of the existing treaty of arbitration with the United States.

2. In reply, I am to request you to inform Secretary Sir E. Grey that Mr. Harcourt is glad to learn that he sees no objection to the consultation of the Governments of the self-governing Dominions with regard to the renewal of the Arbitration Treaty. Mr. Harcourt is clearly of opinion that consultation in this matter is required by the spirit of the Resolution of the Imperial Conference of 1911 even if not by the letter, and he is also clearly of opinion that the existence of the reservation clause in the Arbitration Treaty is not, in a case of this kind, a sufficient reason for dispensing with consultation.

I am, &c.,
H. W. JUST.

15670

No. 4.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 May, 1913.)

Sir,

Foreign Office, May 8th, 1913.

In reply to your letter 13904/1913 of the 1st instant,‡ relative to the Panama Canal tolls question and the proposed renewal of the Arbitration Treaty with the United States, I am directed by Secretary Sir Edward Grey to inform you that he sees no objection to the Governments of the self-governing Dominions being informed confidentially that he is considering with the United States Government the question of renewing for a further term the Arbitration Treaty of 1908.

I am, &c.,
W. LANGLEY.

15670

No. 5.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA,
AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE
GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 6.0 p.m., 13 May, 1913.)

TELEGRAM.

[Copy to Foreign Office, 14 May, 1913. L.F. See No. 10.]

Confidential. Please inform your Ministers that the more extended Treaty of Arbitration with United States of America, signed at Washington, 3rd August,

* No. 14 in Dominions No. 39.

† No. 2.

‡ 13904: not printed.

1911, copies enclosed in my despatch of 15th September, 1911, [768] [411] [513] [327] [221],* not having been ratified, His Majesty's Government are considering with United States Government question of extending for further term existing Treaty due to expire next month, copies enclosed in my predecessor's despatch, 9th July, 1908 [408] [221] [Cape 127] [120] [105].†—HARCOURT.

16768

No. 6.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 May, 1913.)

[Answered by No. 9.]

Sir,

Foreign Office, May 17th, 1913.

With reference to the other letter from this Office of to-day's date,‡ I am directed by Secretary Sir E. Grey to transmit to you herewith copy of a telegram from His Majesty's Ambassador at Washington respecting the negotiations with the United States Government for the establishment of a peace commission and the renewal of the Arbitration Treaty of 1908.

Sir C. Spring Rice enquires whether he shall repeat this telegram to the Canadian Government.

Mr. Harcourt may consider that it might be undesirable to place the Canadian Government in a special position by the repetition to that Government of telegrams on a subject about which His Majesty's Government propose to consult all the self-governing Colonies alike.

Sir E. Grey would, however, be glad to learn his view on the point at an early date in order that a reply may be returned to Sir C. Spring Rice.

I am, &c.,
W. LANGLEY.

Enclosure in No. 6.

Sir C. SPRING RICE to Sir EDWARD GREY.

(Received May 16, 12.50 p.m.)

Washington, May 15, 1913.

(No. 91.) R. Your telegram No. 154 of 13th May: peace commission.

I have informed Secretary of State verbally, in reply to his enquiry, that His Majesty's Government are in favour of principle of peace commission, and would welcome detailed proposals, and, with regard to renewal of the existing Arbitration Treaty with Great Britain, which, like the treaties with the six other Powers, lapses this year, I said that His Majesty's Government would readily renew unchanged, should an official proposal to that effect be made to them.

Shall I repeat to Canada?

16983

No. 7.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 May, 1913.)

[Answered by No. 9.]

(Confidential.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of telegraphic correspondence with His Majesty's Ambassador at Washington respecting the Arbitration Treaty with the United States of America.

Foreign Office,

May 17, 1913.

* No. 330 in Dominions No. 39.

† No. [56] [57] in Dominions No. 7.

‡ No. 7.

Enclosure 1 in No. 7.
Sir C. SPRING RICE to Sir EDWARD GREY.
(Received May 14.)

Washington, May 13, 1913.

(No. 90.) R. Your telegram No. 154 of 13th May: Arbitration Treaty with United States.

I will make a communication to the Secretary of State when he returns. I saw the Acting Secretary of State to-day, and he said that Mr. Bryce had explained to him the attitude of His Majesty's Government as to claims arising under existing treaty being vested. Acting Secretary of State suggests, however, that if any objection arose to renewal in the Senate, Department could explain this point, and that for the present it would be better that the renewal of the treaty should be submitted to the Senate without comment, together with other similar treaties which are now being prepared and which are expected to go through as a matter of course.

Canadian Minister, who is now in Washington, has been informed and concurs.

If full powers are necessary, please send them out, but without publicity.

Should any question arise as to renewal, I venture to suggest, if our view as to claims is correct, that renewal is immaterial, while non-renewal might be regarded as demonstration.

Enclosure 2 in No. 7.
TELEGRAM to Sir C. SPRING RICE, Washington.
(Foreign Office, 16 May, 1913.)

No. 159. (R.) Your telegram No. 90 of May 13. I agree with suggestion made by Acting Secretary of State. General full powers will be prepared and sent to you.

17309

No. 8.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 22 May, 1913.)

SIR, Foreign Office, May 21, 1913.
WITH reference to your letter, 15345, of the 15th instant,* I am directed by Secretary Sir E. Grey to state that he agrees that the self-governing Dominions should be consulted with regard to any proposal which the United States Government may make for a system of international commissions of enquiry for the investigation of matters in dispute between this country and the United States.

I am, &c.,

W. LANGLEY.

16983

No. 9.
COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 21 May, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 17th instant,† forwarding copies of telegraphic correspondence with His Majesty's Ambassador at Washington relative to the negotiations with the United States Government for the establishment of a peace commission and the renewal of the Arbitration Treaty of 1908.

2. Mr. Harcourt concurs in Sir C. Spring Rice's proposal to repeat to the Officer Administering the Government of Canada the telegram of the 15th instant.‡ In doing so His Excellency should refer to the telegram from the Secretary of State for the Colonies of the 13th instant.§ a copy of which was enclosed in the letter from this Department of the 14th instant.||

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

* 15348: not printed.

§ No. 5.

† Nos. 6 and 7.

‡ Enclosure in No. 6.

| L.F.

18008

No. 10.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 28 May, 1913.)

[Answered by No. 13.]

SIR,

Foreign Office, May 27, 1913.

WITH reference to your letter, 15670, of the 14th instant,* I am directed by Secretary Sir E. Grey to transmit to you herewith copy of a telegram from His Majesty's Ambassador at Washington, reporting the willingness of the United States Government to renew for five years the Arbitration Treaty of 1908.

A draft of the reply which Sir E. Grey proposes, with Mr. Harcourt's concurrence, to return to Sir C. Spring-Rice is enclosed herewith.

A copy of the despatch, No. 51, to which Sir C. Spring-Rice refers is also enclosed for convenience of reference.

Sir E. Grey would be glad to receive a reply with as little delay as possible.

I am, &c.,

LOUIS MALLET.

Enclosure 1 in No. 10.
Sir C. SPRING-RICE to Sir EDWARD GREY.
(Received May 24, 8 a.m.)

(No. 107.)

Washington, May 23, 1913.

Arbitration Treaty.

Secretary of State informs me in a note that the United States Government would be pleased to renew for five years.

He has sent me draft agreement in the same terms as French treaty (see my despatch No. 51), which he is authorised to sign.

Enclosure 2 in No. 10.
DRAFT TELEGRAM to Sir C. SPRING-RICE.

Foreign Office, May 27, 1913.

Your telegram No. 107 (of May 23rd, Arbitration Treaty).

You are authorized to sign agreement as proposed by Secretary of State, but it should be styled a convention rather than an agreement, as it renews a convention.

If United States Government concurs, preamble should be made to correspond with phraseology in Convention of 1908, and "Convention" substituted for "arrangement" in last word of preamble in the enclosure in Mr. Bryce's despatch, No. 51. In Article 2 for "present agreement" substitute "present convention," and insert the King's proper title.

Enclosure 3 in No. 10.
Mr. BRYCE to Sir EDWARD GREY.
(Received March 11.)

(No. 51.)

Washington, March 3, 1913.

SIR,

I HAVE the honour to transmit herewith copies of a message from the President of the United States to the Congress regarding the extension, for a period of five years, of the convention of arbitration of the 10th February, 1908, between the United States and the French Republic. The acceptance by the Senate of the agreement for renewal has already been reported to you.

I have, &c.,

JAMES BRYCE.

* L.F. transmitting copy of No. 5.

Message from the President of the United States, transmitting an Agreement signed on February 13, 1913, by the Plenipotentiaries of the United States and the French Republic, extending for a period of five years from February 27, 1913, the Convention of Arbitration of February 10, 1908, between the United States and the French Republic.

February 18, 1913.—Read; convention read the first time and referred to the committee on foreign relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

To the Senate,

I transmit herewith, for the advice and consent of the Senate to its ratification, an agreement signed on the 13th February, 1913, by the plenipotentiaries of the United States and the French Republic, extending for a period of five years from the 27th February, 1913, the convention of arbitration of the 10th February, 1908, between the United States and the French Republic.

WM. H. TAFT.

The White House, February 14, 1913.

The President,

The undersigned, the Secretary of State, has the honour to submit herewith, with a view to its transmission to the Senate, to receive the advice and consent of that body to its ratification, an agreement signed on the 13th February, 1913, by the plenipotentiaries of the United States and the French Republic, extending for a period of five years from the 27th February, 1913, the convention of arbitration of the 10th February, 1908, between the United States and the French Republic.

Respectfully submitted.

P. C. KNOX.

Department of State, February 13, 1913.

Agreement Extending the Duration of the Arbitration Convention of February 10, 1908.

The Government of the United States of America and the Government of the French Republic, being desirous of extending the period of five years during which the arbitration convention concluded between them on the 10th February, 1908, is to remain in force, which period is about to expire, have authorised the undersigned, to wit: Philander C. Knox, Secretary of State of the United States, and J. J. Jusserand, Ambassador of the French Republic to the United States, to conclude the following arrangement:—

ARTICLE 1.

The convention of arbitration of the 10th February, 1908, between the Government of the United States of America and the Government of the French Republic, the duration of which by article 3 thereof was fixed at a period of five years from the date of ratification, which period will terminate on the 27th February, 1913, is hereby extended and continued in force for further period of five years from the 27th February, 1913.

ARTICLE 2.

The present agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, in accordance with the constitutional laws of France, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and French languages, at Washington this 13th day of February, one thousand nine hundred and thirteen.

PHILANDER C. KNOX [SEAL]
JUSSERAND [SEAL]

18216

No. 11.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of telegraphic correspondence with the British Embassy (Washington), respecting the Arbitration Treaty with the United States.

Reference to previous letter: Foreign Office, May 27.*

Foreign Office,

May 29, 1913.

Enclosure 1 in No. 11.

Sir C. SPRING-RICE to Sir EDWARD GREY.

(Received May 27, 11.20 a.m.)

(No. 108.)

Washington, May 27, 1913.

My telegram, No. 107, of 23rd May: Renewal of Arbitration Treaty.
Am I authorised to sign?

Enclosure 2 in No. 11.

TELEGRAM to Sir C. SPRING-RICE, Washington.

(No. 107.)

Foreign Office, May 28, 1913.

Your telegram, No. 108, of May 27. Arbitration Treaty.

I am consulting Colonial Office, and will send instructions as soon as possible.
We may suggest some purely formal changes in wording.

18332

No. 12.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 31 May, 1913.)

SIR,

Foreign Office, 30th May, 1913.

With reference to my letter of the 27th instant,* I am directed by Secretary Sir E. Grey to transmit to you herewith copies of two telegrams from His Majesty's Ambassador at Washington respecting the renewal of the Arbitration Convention of 1908 with the United States.

In view of these telegrams Sir E. Grey proposes to abandon the formal alterations in the agreement for renewal suggested in my above-mentioned letter.

As the existing Convention expires on June 4th next, Sir E. Grey would be glad to receive a reply to the letter from this Office of the 27th instant* at your very earliest convenience.

I am, &c.,

LOUIS MALLET.

Enclosure 1 in No. 12.

Sir C. SPRING-RICE to Sir EDWARD GREY.

(Received May 29, 1.35 p.m.)

(No. 110.) R.

Washington, May 28, 1913

Arbitration treaty with United States.

Your telegram No. 167 of 28th May.

* No. 10.

I have informed the Prime Minister [*sic*] verbally of proposal to renew, and he approves in principle in the circumstances, which I fully explained.

Draft submitted to me by Secretary of State *mutatis mutandis* differs from French treaty solely by omission of words in Article 2, "in accordance with constitutional law of France," which was the formula in original French treaty, and of course did not appear in ours.

Unless the proposed amendment is important, I venture to think that it might be better if our treaty renewal did not differ at all from others which will be submitted with it, as differences might excite remark.

Enclosure 2 in No. 12.

Sir C. SPRING-RICE to Sir EDWARD GREY.

(Received May 29, 3.40 p.m.)

(No. 111.) R.

Washington, May 28, 1913.

Arbitration treaty with United States.

The Acting Secretary of State, whom I have just seen, strongly recommends that the text of the renewal of the treaty should be accepted as it stands. Other Powers have accepted at once except Spain, who proposed modification but withdrew it. Any difference in our treaty might, he thinks, lead to trouble in the Senate. The renewal of our treaty should, he thinks, be carried out as a purely formal matter, together with [group undecypherable] other treaties. I believe this view is shared by the Prime Minister [?] of Canada.

(Repeated to Canada.)

18008

No. 13.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 18713: not printed: concurring in draft.]

Sir,

Downing Street, 31 May, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th instant,* forwarding a copy of a telegram from His Majesty's Ambassador at Washington reporting the willingness of the United States Government to renew for five years the Arbitration Treaty of 1908.

2. Mr. Harcourt concurs in the terms of the reply which Secretary Sir Edward Grey proposes to return to Sir C. Spring-Rice.

3. Mr. Harcourt thinks it desirable that the Governments of the self-governing Dominions should be informed at once of the decision in the matter, and he proposes, with Sir E. Grey's concurrence, to address the telegram† of which a draft is enclosed to the Governors-General and Governors of the Dominions.

I am, &c.,
H. W. JUST.

18008

No. 14.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 2.20 p.m., 2 June, 1913.)

TELEGRAM.

Referring to my telegram of 13th May,‡ United States Government having expressed desire to renew existing Treaty of Arbitration for further period of five

* No. 10.

† See No. 14.

‡ No. 5.

years, His Majesty's Ambassador at Washington was authorised to sign Convention to that effect, and did so 31st May.—HARCOURT.

20964

No. 15.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 June, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Washington, 140, dated June 3, respecting the Arbitration Treaty with United States of America.

Reference to previous letter: Foreign Office, June 14.*

Foreign Office,
June 20, 1913.

Enclosure in No. 15.

(No. 140.)

British Embassy, Washington, June 3, 1913.

Sir,

With reference to my telegram, No. 120, of May 31st, I have the honour to transmit to you, herewith, copies of the Agreement extending the duration of the Arbitration Convention of April 4th, 1908, which I signed on the 31st ultimo.

I have, &c.,
(for the Ambassador),
A. CLARK KERR.

The Right Honourable
Sir Edward Grey, Bart., K.G.,
&c., &c., &c.

AGREEMENT EXTENDING THE DURATION OF THE ARBITRATION CONVENTION OF APRIL 4, 1908.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on April 4th, 1908, is to remain in force, which period is about to expire, have authorized the undersigned, to wit: Sir Cecil Spring-Rice, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States, and William Jennings Bryan, Secretary of State of the United States, to conclude the following articles:

Article I.

The Convention of Arbitration of April 4, 1908, between the Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the United States of America, the duration of which by Article IV. thereof was fixed at a period of five years from the date of the exchange of ratifications, which period will terminate on June 4, 1913, is hereby extended and continued in force for a further period of five years from June 4, 1913.

Article II.

The present Agreement shall be ratified by His Britannic Majesty and by the

* 20278: not printed.

President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate at Washington this thirty-first day of May One thousand nine hundred and thirteen.

(L.S.) CECIL SPRING-RICE.
(L.S.) WILLIAM JENNINGS BRYAN.

20964

No. 16.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 481.)
(Australia. No. 965.)
(New Zealand. No. 236.)

(Union of South Africa. No. 272.)
(Newfoundland. No. 158.)

[SIR]
[MY LORD].

Downing Street, 27th June, 1913.

WITH reference to my telegram of the 2nd June,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a despatch† from His Majesty's Embassy at Washington, forwarding a copy of the Agreement with the United States Government, which was signed on the 31st May, extending the duration of the Arbitration Convention of the 4th April, 1908, for a further period of five years from the 4th June, 1913.

2. I have to state that the Agreement has not yet been approved by the Senate of the United States.

I have, &c.,
L. HARCOURT.

30261

No. 17.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1 September, 1913.)

[Answered by No. 19.]

SIR,

Foreign Office, August 29, 1913.

THE Arbitration Agreement of October 14th, 1903, between the United Kingdom and France, which was renewed on October 14th, 1908, for a further period of five years, will, failing its formal extension, expire on October 14th next. Sir E. Grey accordingly proposes to invite the French Government to proceed to a renewed exchange of notes, prolonging the duration of the Agreement for a further period of five years, that is until October 14th, 1918. He is, however, ready to defer taking any action, in case Mr. Secretary Harcourt may desire to consult the self-governing Dominions in the matter. If so, Sir E. Grey would be glad if communications should be made by telegraph in order to avoid the possibility of any interval between the expiry and renewal of the Agreement.

The similar Agreement with the Republic of Colombia requires renewal in like manner before December 30th next, and it will be desirable to approach the Colombian Government also at an early date.

For convenience of reference copies of the Agreements‡ in question are enclosed herewith.

I am, &c.,
EYRE A. CROWE.

* No. 14.

† [Cd. 1837], November, 1903, [Cd. 4434], December, 1908, and [Cd. 4531], March, 1909.

‡ Enclosure in No. 15.

30261

No. 18.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 1.30 p.m., 8th September, 1913.)

TELEGRAM.

Please inform your Ministers that Arbitration Agreement with France, 14th October, 1903, which was renewed for five years on 14th October, 1908, will expire 14th October next, and that similar agreement with Colombia, 30th December, 1908, will expire 30th December next. His Majesty's Government assume that your Ministers share their views as to the importance of not allowing these agreements to lapse, and of avoiding any interval between their expiry and renewal. His Majesty's Government will accordingly at an early date take steps to secure renewal of both Agreements for a further period of five years in each case.—HARCOURT.

30261

No. 19.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 21.]

Downing Street, 8 September, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th August,* and to transmit, for the information of Secretary Sir E. Grey, copies of telegrams† which he has addressed to the Governors-General and Governors of the self-governing Dominions with regard to the proposed renewal of the Arbitration Agreements with France and Colombia.

2. Mr. Harcourt would wish that reasonable time should be given to the various Governments to offer observations before any definite steps are taken in the matter, and he would be glad if he could be informed some little time in advance of Sir E. Grey's intention to take such steps.

I am, &c.,
H. W. JUST.

31822

No. 20.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.30 a.m., 12th September, 1913.)

TELEGRAM.

[Copy to Foreign Office, 13 September, 1913. L.F.]

Your telegram of 8th September.† My Ministers concur in proposed renewal treaties for further period of five years.—DAVIDSON.

32506

No. 21.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 17 September, 1913.)

[Answered by No. 25.]

SIR,

Foreign Office, September 16, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your

* No. 17.

† No. 18.

letter, 30261/1913, of the 8th instant,* relative to the proposed renewal of the Arbitration Agreements with France and Colombia.

Sir E. Grey desires me to request that you will inform the Secretary of State for the Colonies that it is proposed in future to bring to the notice of your Department six months before the date of its expiry the question of the renewal of any Arbitration Agreement. It is undesirable, as Mr. Secretary Harcourt will recognise, that any interval should occur between the expiry of an agreement and its renewal, and, in view of the necessity of consulting the Governments of His Majesty's self-governing Dominions, Sir E. Grey considers it advisable to adopt the length of notice suggested.

In pursuance of this rule, I am now to request that you will draw Mr. Harcourt's attention to the fact that the Arbitration Agreements with Italy and Spain will expire, respectively, on February 1st, 1914, and February 27th, 1914, unless renewed on or before those dates.

I am, &c.,
RALPH PAGET.

32349

No. 22.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 16th September, 1913.)

TELEGRAM.

[Copy to Foreign Office, 17 September, 1913. L.F.]

Your telegram of 8th September.† My Government concur in views of His Majesty's Government with regard to arbitration agreement with France and Colombia.—LIVERPOOL.

32350

No. 23.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 a.m., 16th September, 1913.)

TELEGRAM.

[Copy to Foreign Office, 17 September, 1913. L.F.]

Your telegram of 8th September.† Government of Commonwealth of Australia heartily concur in decision of His Majesty's Government with regard to arbitration agreement with France and Colombia.—DENMAN.

32648

No. 24.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.5 p.m., 17th September, 1913.)

TELEGRAM.

Your telegram 8th September.† Arbitration Agreement with France and Colombia. Government of Canada concur in action which His Majesty's Government propose to take with a view to securing renewal of both agreements for further period of five years each without interval between expiry and renewal.—ADMINISTRATOR.

* No. 19.

† No. 18.

32506

No. 25.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by L.F. transmitting copy of No. 26.]

SIR,

Downing Street, 20 September, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th of September,* on the subject of the proposed renewal of certain Arbitration Agreements, and to transmit to you, for the information of Secretary Sir Edward Grey, the accompanying copy of a telegram† from the Officer Administering the Government of Canada on the matter.

2. I am to add that Mr. Harcourt concurs in the suggestion that in future the question of the renewal of any Arbitration Agreement should be brought to his notice six months before the date of its expiry, and that, with the concurrence of Sir Edward Grey, he proposes forthwith to inform the Governments of the self-governing Dominions that it is proposed by His Majesty's Government to renew the Arbitration Agreements with Italy and with Spain which are due to expire respectively on the 1st and the 27th of February, 1914.

I am, &c.,
H. W. JUST.

33832

No. 26.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 4 October, 1913.]

(Canada. No. 751.)
(Australia. No. 576.)
(New Zealand. No. 383.)

(Union of South Africa. No. 416.)
(Newfoundland. No. 262.)

[SIR,]

Downing Street, 3 October, 1913.

[MY LORD,]

With reference to—

[Your Excellency's despatch, No. 564, of the 18th of September,‡]
[Your Excellency's telegram of the 16th of September,§]
[Your Excellency's telegram of the 16th of September,||]
[my telegram of the 8th of September,*]
[your telegram of the 12th of September,**]

I have the honour to request [you] [Your Excellency] to inform your Ministers that, as the arbitration agreements with Italy and Spain will expire respectively on February 1st, 1914, and February 27th, 1914, unless renewed on or before those dates, His Majesty's Government propose, in accordance with the established policy, which they understand is in harmony with the views of your Ministers, to renew these agreements in due course.

I have, &c.,
L. HARCOURT.

35034

No. 27.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.7 p.m., 9th October, 1913.)

TELEGRAM.

[Copy to Foreign Office, 10 October, 1913. L.F.]

Your telegram of 8th September† and your telegram of 8th October.†† Arbitration Agreement with France and Colombia. My Ministers share views of His Majesty's Government as to renewal without interval.—GLADSTONE.

* No. 21.
§ No. 18.† No. 24.
** No. 20.

‡ 33703, not printed.

§ No. 23.

|| No. 22.

†† 34874, not printed, a reminder of No. 18.

36363

No. 28.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 21 October, 1913.)

[Copy to Foreign Office, 28 October, 1913. L.F.]

(No. 687.)

SIR,

Governor-General's Office, Pretoria, 2 October, 1913.

I HAVE the honour to transmit to you herewith, with reference to your telegram of the 8th September,* a minute, No. 924, from Ministers, dated 29 September, on the subject of the Arbitration Agreements with France and Colombia.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 28.

MINUTE FROM MINISTERS.

(No. 924.)

Prime Minister's Office, Pretoria,

29 September, 1913.

Ministers have the honour to acknowledge receipt of minute from His Excellency the Governor-General, No. 3/1330, of the 10th instant, on the subject of the renewal of the arbitration agreement between His Majesty's Government and the Governments of France and Colombia, and to inform His Excellency that they share the views of His Majesty's Government as to the desirability of renewing these agreements and of avoiding any interval to elapse between their expiry and renewal.

LOUIS BOTHA.

* No. 18.

2.

(RESOLUTION IV.): UNIFORMITY IN THE LAW OF COPYRIGHT,
PATENTS, TRADE MARKS, AND COMPANIES.

[For other correspondence as to the law of copyright see Dominions Nos. 34 and 49.]

23690

No. 29.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received July 29, 1912.)

[Copy to Board of Trade, August 5, 1912. L.F.]

(No. 87.)

SIR,

Wellington, 12th June, 1912.

With reference to your despatch, No. 62, of the 21st March,* on the subject of patents, designs, and trade marks, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister, requesting me to convey grateful acknowledgments to His Majesty's Government for their offer to furnish such additional information concerning the practice of the Patent Office as may be required by my Government.

I have, &c.,

ISLINGTON,

Governor.

Enclosure in No. 29.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 1st June, 1912.

Referring to despatch from the Secretary of State for the Colonies (No. 291, of 21st March, 1912), the Prime Minister has the honour to recommend that the offer of His Majesty's Government to furnish such additional information concerning the practice of the Patent Office as may be required, in addition to that contained in the reports already sent, be gratefully acknowledged.

T. MACKENZIE,

Prime Minister.

35038

No. 30.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 5 November, 1912.)

[Answered by No. 31.]

(No. 83.)

SIR,

Government House, St. John's, 21st October, 1912.

In reply to your despatch, No. 149, of the 23rd July, 1912,† respecting the

* No. 29 in Dominions No. 39.

† 21609: not printed.

refusal of the Newfoundland Government to grant an application for a patent made by Mr. W. P. Cohoe, I have the honour to transmit a copy of a letter on the subject received from the Colonial Secretary.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 30.

Colonial Secretary's Office, St. John's, Newfoundland,

SIR, October 19, 1912.
REFERRING to despatch No. 149, of date 23rd July, from the Right Honourable the Secretary of State for the Colonies in relation to the refusal of this Government to grant an application for letters patent made by Mr. W. P. Cohoe, I have the honour to inform Your Excellency that the Governor in Council exercised their right to refuse the application under Section 1, Cap. 109, Consolidated Statutes, beyond which there is nothing to report.

I beg to return to Your Excellency the original despatch under reference.

I have, &c.,
R. WATSON,
Colonial Secretary.

His Excellency
Sir Ralph Williams, K.C.M.G.,
&c., &c., &c.

35038

No. 31.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 236.)

SIR, Downing Street, 22 November, 1912.
I HAVE the honour to acknowledge the receipt of your despatch, No. 83, of the 21st of October,* on the subject of the refusal of your Government to grant an application for a patent made by Mr. W. P. Cohoe.

2. I have communicated a copy of your despatch to Messrs. Haseltine, Lake, and Company.

3. I desire, however, to take the opportunity of inviting the attention of your Ministers to the Resolution in favour of uniformity with regard to the law of patents which was passed, with the concurrence of your Prime Minister, by the Imperial Conference of 1911. It will be seen from the papers laid before the Conference ([Cd. 5746-1] pages 140-154) that considerable progress has already been made towards securing the uniformity of the patent laws of the United Kingdom and the self-governing Dominions, and I should be glad if your Ministers would consider whether it would not be possible to take steps in the near future to revise the law of Newfoundland so as to bring it into greater uniformity with the Imperial Act and with the laws of the other self-governing Dominions.

I have, &c.,
L. HARCOURT.

* No. 30.

5721

No. 32.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 176.)
(New Zealand. No. 93.)

(Union of South Africa. No. 96.)
(Newfoundland. No. 57.)

[SIR,]
[MY LORD,]

Downing Street, 6 March, 1913.

WITH reference to my despatch, No. [200] [82] [142] [53], of the 21st March, 1912,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of Act No. 19 of 1912 of the Parliament of the Commonwealth of Australia, entitled "An Act to amend the Trade Marks Act, 1905."

I have, &c.,
L. HARCOURT.

31034

No. 33.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 712.)
(Australia. No. 534.)
(New Zealand. No. 356.)

(Union of South Africa. No. 352.)
(Newfoundland. No. 245.)

[SIR] [MY LORD],

Downing Street, 18 September, 1913.

WITH reference to
[my despatch, No. (713) (378) (300) (202), of the 25th August, 1911†]
[to Union of South Africa: Your Excellency's despatch, No. 830, of the 30th October, 1911‡],
I have the honour to transmit to [Your Excellency] [you,] for the information of your Ministers, copies of Act 3 and 4 George 5, Chapter 25, of the Imperial Parliament, entitled "An Act to amend the provisions of the Companies (Consolidation) Act, 1908, with respect to Private Companies," together with copies of a memorandum explaining the provisions of the measure.

I have, &c.,
L. HARCOURT.

31034

No. 34.

THE SECRETARY OF STATE to THE GOVERNORS.

(New South Wales. No. 153.)
(Victoria. No. 117.)
(Queensland. No. 105.)

(South Australia. No. 96.)
(Western Australia. No. 100.)
(Tasmania. No. 97.)

SIR,

Downing Street, 18 September, 1913.

WITH reference to Resolution IV. of the Imperial Conference, 1911,§ as to the desirability of more uniformity throughout the Empire in the law of copyright,

* No. [29], [30] in Dominions No. 39.
† No. 24 in Dominions No. 39.

‡ Not reprinted. § See p. 15 of [Cd. 5745].

patents, trade marks and companies, I have the honour to transmit to you, for the information of your Ministers, copies of Act 3 and 4 George 5, Chapter 25, of the Imperial Parliament, entitled "An Act to amend the provisions of the Companies (Consolidation) Act, 1908, with respect to Private Companies," together with copies of a memorandum* explaining the provisions of the measure.

I have, &c.,
L. HARCOURT.

* Not reprinted.

(RESOLUTION V.): INTERNATIONAL EXHIBITIONS.

20531

No. 35.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 2 July, 1912.)

[Answered by Nos. 39 and 42.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 2nd July, 1912.

SIR,

With reference to your letter of the 25th May (No. 15627),* and to previous correspondence regarding the forthcoming International Conference at Berlin on the subject of International Exhibitions, I am directed by the Board of Trade to enclose herewith, for the information of the Secretary of State for the Colonies, 25 copies of the draft instructions to the delegates of His Majesty's Government at the Conference in question, together with an explanatory memorandum which has been prepared for the information of the Dominion Governments.

The draft instructions are subject to further revision, but the Board suggest, subject to Mr. Harcourt's approval, that copies should now be transmitted, with the explanatory memorandum, to the Dominion Governments for their observations, and that in the meantime a meeting of the High Commissioners and Agents-General in London should be held to discuss the position of the Dominions in regard to the Berlin Conference. If Mr. Harcourt concurs, the Director of the Exhibitions Branch will attend the meeting to furnish such additional information as may be desired upon any specific points. As the Conference is to be held in October next, the Board suggest that any meeting which it may be decided to hold should be arranged as soon as practicable.

I have, &c.,
GEO. J. STANLEY.

Enclosure 1 in No. 35.

Subject to Revision.

(Confidential.)

BERLIN CONFERENCE ON INTERNATIONAL EXHIBITIONS, OCTOBER, 1912.

DRAFT INSTRUCTIONS TO DELEGATES OF HIS MAJESTY'S GOVERNMENT.

AGENDA.

A.—CLASSIFICATION.

I.—Is it practicable to distinguish between different kinds of exhibitions upon the following principles:—

- (a) The auspices under which the exhibition is promoted, and the responsibility for the issuing of invitations?
- (b) The scope of, and subjects included in, the exhibition?

II.—Is it practicable upon the lines indicated above to classify exhibitions as follows:—

1. "General Official Exhibitions," i.e., exhibitions whose organisation is solely under the auspices of a Government, participation in which is invited by the Government, and which include in their scope everything that can be exhibited at an exhibition ("Universal International Exhibition")?

Note.—Is it practicable to insist that, among exhibitions of this nature, those alone be accorded the title of Universal International Exhibitions in which exhibitors pay no rent for the space which their exhibits occupy?

2. "Special Official Exhibitions," i.e., exhibitions whose organisation is solely under the auspices of a Government, and participation in which is

* L.F. transmitting copy of No. 40 in Dominions No. 39.

invited by the Government, but which include in their scope only certain branches of industry, science, and art?

3. "General Exhibitions under Official Recognition" and organised by public or private bodies (associations, county and municipal bodies, chambers of commerce, academies, permanent exhibition committees or committees organised "ad hoc")?
4. "Special Exhibitions under Official Recognition" and organised by the bodies mentioned in (3)?
5. "General Exhibitions organised privately?"
6. "Special Exhibitions organised privately?"

Note.—(a) Is it practicable to distinguish exhibitions which have obtained official patronage superior to those enumerated in (3) and (4), viz.:—"Exhibitions under Official Recognition and patronage?"

(b) What patronage is to be considered official?

III.—Is it practicable to insist upon the category to which an exhibition belongs (according to the above classification) being expressly stated in the invitations and in the public announcements of the organisation of the exhibition?

B.—GENERAL QUESTIONS.

I.—Is it practicable to formulate general principles which may prevent the exhibitions referred to in paragraph II., sub-divisions (1) and (3) being held simultaneously or at too short intervals?

II.—Is it practicable, so far as privately organised exhibitions are concerned, to accord, subject to certain conditions, any patronage not comprised in Note (b) (paragraph II.) and, in this event, to demand certain guarantees? (Paragraph II., sub-divisions 5 and 6.)

III.—Is it practicable for Governments to nominate commissioners for unofficial exhibitions and to limit the rights and duties of these commissioners? (Paragraph II., sub-divisions 5 and 6.)

C.—QUESTIONS RELATING TO ORGANISATION.

Is it practicable to establish a uniform system of regulations for the organisation and promotion of exhibitions or certain classes of exhibitions, particularly:—

1. With regard to classification of groups, uniformity of architecture and decoration, provision of light and motive power, provision of means for loading and unloading, surveillance and insurance of exhibits, distribution, allotment and rent of space to exhibitors, &c.?
2. With regard to customs and transport facilities?
3. With regard to the composition, payment, and functions of exhibition juries?

D.—PARTICIPATION IN EXHIBITIONS ABROAD.

Is it practicable to formulate any general principles relating to participation in exhibitions held abroad, particularly:—

1. With regard to the conditions upon which official national sections can properly be called "national," and to the nature of their organisation?
2. With regard to the conditions upon which unofficial sections can properly be called "national," and to the nature of their organisation (especially the appointment of commissioners)?

E.—SUPPRESSION OF ABUSES.

Is it practicable to formulate any principles with a view to the suppression of abuses in connection with:—

1. Exhibitions of a fictitious or trivial character?
2. Exhibition-mongers or agents?
3. Fictitious awards (awards and medals which are fictitious or have no real value)?

Following the precedent established by the International Conferences of Permanent Exhibition Committees, a discussion will be held with regard to the protection

of copyright, patents, designs or industrial models, and trade marks, which figure in an exhibition.

Supplementary Questions.

(a) Is it practicable to make exhibitions organised by associations or individuals subject to a power of authorisation or prevention on the part of their different Governments?

(b) The same question in the case of exhibitions organised by local bodies of a public character?

(c) Is it practicable to make regulations for the use made of medals and similar distinctions conferred on the occasion of exhibitions, shows and competitions, or to make the grant of such distinctions subject to special and definite conditions?

PART I.

OUTLINE OF POLICY RECOMMENDED BY HIS MAJESTY'S GOVERNMENT.

His Majesty's Government have accepted an invitation from the German Government to be represented at an International Conference upon Exhibitions, which is to be held at Berlin in October of this year.

As will be seen from the attached programme, the questions to be discussed at this Conference include:—

- A.—The classification of all exhibitions according to:
 1. Their scope, and
 2. The auspices under which they are promoted.
- B.—The formulation of general principles with a view to preventing great exhibitions being held simultaneously or at too short intervals.
- C.—The establishment of a uniform system of regulations for the management of exhibitions.
- D.—The formulation of principles relating to the organisation of national sections at exhibitions abroad.
- E.—The suppression of fraudulent exhibitions and fictitious awards.

His Majesty's Government, while interested in all the subjects referred to, are of opinion that the most important is that relating to the limitation of the number of great international exhibitions. Owing to the trouble and expense involved in the preparation of creditable exhibits, there is a growing feeling amongst British manufacturers that it is impossible to take part in all the international exhibitions which are now being held. From enquiries which have been made, there is reason to believe that this feeling also exists in many other countries.

International exhibitions are constantly promoted in places where the commercial results accruing from participation do not repay exhibitors for the expense of sending a creditable exhibit. The promoters of such undertakings rely upon the rivalry existing between the manufacturers of the chief commercial nations to secure the participation of countries who would not take part if their commercial competitors were not represented. When deciding whether or not to participate in any great international exhibition, the Governments of the principal countries are in much the same position as individual exhibitors: that is to say, their decision depends not so much upon the benefits which are likely to accrue from participation, as upon the loss which will in all probability be sustained by the trade of the country if they abstain from an exhibition in which their commercial competitors take part. For this reason it is always the first object of the organisers of an international exhibition to obtain the official adhesion of one of the principal manufacturing countries, knowing that the Governments of other countries must necessarily follow.

The Governments of the chief manufacturing countries are all desirous, it is understood, of finding some means of limiting the number of exhibitions. Owing to the lack of any concerted action, individual Governments have allowed themselves to be forced to take part in exhibitions, and it would seem that the time has now come when they should take some steps in self-defence. Granted the assumption that all Governments are animated by the same desire, it remains only to find some common ground upon which, without prejudice to the interests of any individual country, unanimity of policy can be established.

German Government suggest restriction of exhibitions to fixed intervals.

The German Government have suggested with this object that the parties to the Conference should bind themselves not to organise official or officially recognised exhibitions (a) on their territories, considered as a whole, simultaneously or at intervals of less than five years, or (b) on their individual territories, at intervals of less than twelve years.

His Majesty's Government have some doubt if at the present time it would be practicable to lay down any definite rule as to the precise term of years which should elapse between the holding of two international exhibitions. The dates of great international exhibitions are frequently fixed in order to celebrate an anniversary, or to synchronise with some event of great national importance; such, for instance, as the exhibition at Turin in 1911, held to commemorate the unification of the Kingdom of Italy in 1861, and that which it is proposed to hold at San Francisco in 1915 to celebrate the opening of the Panama Canal. Other sufficiently good political or economic reasons are usually available for the holding of an exhibition at a particular date. While they are in hearty sympathy with the principle of limitation as suggested by the German Government, they think that it might be preferable to leave it to the International Commission and Bureau (the creation of which they propose below) to impose such limit as may seem expedient and practicable from time to time.

His Majesty's Government propose to limit exhibitions by reforming them.

His Majesty's Government are of the opinion that the most effective method of achieving the object in view (i.e., the limitation of International Exhibitions) would be by common agreement upon a policy of reform in regard to their promotion and management.

His Majesty's Government feel that official recognition and patronage are frequently given to exhibitions which do not deserve it. The bestowal of official patronage upon an exhibition is generally interpreted as a guarantee not only of the integrity and financial stability of the promoters but also of its good management, and manufacturers are thereby frequently induced to participate in an exhibition which would not otherwise have received their support. The granting of official patronage, however, does not always mean that the Government is taking an active part in the administration of the exhibition, and manufacturers have often found out, when it was too late to withdraw, that they were at the mercy of an Executive for whose acts the Government actually accepted no responsibility whatever.

Foreign Governments often feel themselves obliged for political reasons to participate in an exhibition if invited to do so officially, but any appeals against the Executive which may be made by their Commissioner to the Home Government are practically useless if the latter have no control on the administration of the exhibition.

The difficulties of exhibitors, whether Governments or individuals, are further increased by the uncertainty which exists as to the rules and regulations under which a particular exhibition will be conducted. At present there is no settled practice with regard to the management of international exhibitions. The organisers of each exhibition make their own regulations, settle the manner in which the buildings are to be erected, and make such arrangements as they think fit for dealing with the various questions which arise from time to time. The decision to participate has to be taken at an early date before definite information is available with regard to the methods of organisation which will be adopted by the administration, and participants, whether foreign Governments or individual firms, often have to comply with regulations to which they would not have subscribed had they been aware of them at the time of their decision to participate.

In the opinion of His Majesty's Government, exhibitions as at present promoted suffer from the two main defects indicated above, namely, lack of responsibility on the part of the Home Government for the acts of the Executive, and want of continuity in the methods of organisation. It is by the reform of these defects that His Majesty's Government consider that the number of exhibitions can be most satisfactorily limited.

It can surely be to the disadvantage of none to remove the disabilities under which all at present suffer, and to this end it would seem desirable for the Governments represented at the Conference to conclude a mutual agreement that they will not lend their official countenance or support to any exhibition which does not conform to such conditions as may be agreed upon with the object of removing abuses which now exist and simplifying future procedure.

In the United Kingdom, and, it is believed, in most other European countries, the growing frequency of exhibitions is felt to be such a burden that certain groups

of manufacturers have formed associations binding themselves not to exhibit individually in any exhibition unless the time and place at which it is held, as well as its general scope and organisation, are approved by the association as a whole, and there seems to be no reason why Governments should not adopt a similar policy.

His Majesty's Government, therefore, consider that the efforts of the Conference should be directed to the establishment of a Convention laying down conditions to which every exhibition should in future conform before it can obtain official support from any of the Governments who are parties to the Convention.

As such Convention would deal with many technical subjects with regard to the majority of which there is room for considerable divergence of opinion, His Majesty's Government suggest that if the Conference is in general agreement with the policy outlined above, that a Committee of the Conference should be appointed to elaborate the broad suggestions put forward and to embody them in a Convention for submission to the Conference.

His Majesty's Government would also suggest that it should be part of the duties of such a Committee to draw up a scheme for the establishment of a permanent International Commission and Bureau to which all proposals for the holding of International exhibitions should be submitted.

The primary function of such a body would be to notify the respective Governments whether the arrangements proposed in connection with a projected exhibition conformed to the conditions laid down in the Convention.

It would also be able, when an exhibition was first mooted, to advise the promoters whether the time, place, and arrangements proposed were likely to suit the convenience of the countries whose participation they desired to secure.

In considering the question of time, the Commission might, in accordance with the suggestion of the German Government, decline to register any exhibition which was proposed to be held at an interval of less than four years after the last approved exhibition or at an interval of less than ten years after the last approved exhibition held in the same country.

It is at present the practice, when proposals for participation in international exhibitions are under consideration, for the Governments or other bodies interested to consult, in the first instance, the industrial associations in their country as to how far the exhibition—particularly the time and place at which it is to be held—will suit the convenience of the manufacturers who compose those associations.

It is suggested that an International Commission should serve as a similar medium for communication between the promoters of an exhibition and the countries whose participation they desire.

It would clearly be of advantage to the promoters of an exhibition to know, before their proposals took definite shape, whether they were likely to be acceptable to the countries upon whose participation the success of the exhibition would depend.

By such a system the promoters of an exhibition would be made aware of any objection which might be raised against it at a sufficiently early date to permit the revision of their proposals or their abandonment.

In the event, for instance, of proposals being received by the Commission to hold two international exhibitions simultaneously or at too short an interval, the countries represented would decide as to which of the two was the more suitable for their participation. The promoters of the other would then be informed by the Commission that there was no prospect of success, and they would accordingly have no alternative but to abandon the enterprise.

It is considered that if the parties to the Berlin Conference agree to the adoption of such a policy as that outlined above, the methods of organisation of exhibitions would be considerably improved, and at the same time the limitation of the number of exhibitions would be automatically effected.

In the first instance it will be necessary to define for the purpose of the Convention the term "International Exhibition."

His Majesty's Government consider that this definition should be as wide as possible in order to leave no opening for the promoters of any International Exhibition to evade the purposes of the Convention. Having brought the maximum number of exhibitions within the scope of the Convention it would be possible to add such reservations as may be considered necessary to safeguard the freedom of the respective Governments in regard to particular classes of exhibitions.

The definition of "International Exhibitions" proposed by the German Government, viz., exhibitions in which foreigners may participate and in which they actually do participate, is, in the opinion of His Majesty's Government, open to two objections,

A Convention should be established laying down certain principles of reform.

Suggested creation of an International Bureau for exhibitions.

Suggested definition of the term "International Exhibition."

First, it is so wide that it will bring an exhibition within the scope of the Convention if two foreign firms take part, and secondly, it depends upon whether foreigners actually do participate. As regards the first point, the Convention should deal with exhibitions simply as they affect governments and it should therefore be the participation of governments rather than of individuals which should decide whether an exhibition is international or not for the purposes of the Convention. As regards the second point, the fact as to whether foreigners would or would not actually participate would not be ascertainable at the time when the Commission were dealing with the first proposals, and His Majesty's Government consider therefore that there would be serious practical difficulties if this definition were adopted.

His Majesty's Government suggest that the term International Exhibition should be defined as "an exhibition in which two or more countries are invited to participate officially in addition to the country in which the exhibition is held."

This definition excludes exhibitions in which one foreign country participates in addition to the Home Government, as it is considered that such restricted exhibitions need not come within the scope of the present Convention. This definition would include not only exhibitions for which invitations were issued by the Home Government, but also exhibitions to which the governments of foreign countries are invited directly by the exhibition promoters.

In proposing this definition as the basis of the Convention His Majesty's Government suggest the following reservations:—

- (1) That any government should be free to participate in any exhibition held within its own dominions or its colonies.
- (2) That in the event of a colonial Government subscribing to the Convention, such colonial government should have complete freedom of action in regard to participation in any exhibition held within the empire of which it forms part.
- (3) That in the event of any congress or specialised exhibition being held having for its object the exchange of information on matters directly affecting the public welfare, or for the advancement of scientific or educational knowledge, any individual department of the public service of any country shall be free to contribute exhibits of matters falling within its own administrative activities.

His Majesty's Government are of opinion that as soon as the proposed committee of the Conference has come to an agreement as to the definition of the term "International Exhibition" a resolution should be passed by the Conference, subject to ratification by the respective Governments, that none of the contracting countries will participate officially in any such international exhibition for a period of four years from the 1st January, 1913, with the exception, of course, of the San Francisco Exhibition, which has already been arranged to be held in 1915, and subject to the reservations already enumerated.

In this connection it should be clearly understood that *unless otherwise arranged* His Majesty's Government would represent only the United Kingdom and the Crown Colonies, leaving the Governments of the self-governing Dominions to adopt any attitude they may see fit towards international exhibitions.

It is impracticable within the space of this memorandum to deal with all the reforms which would come within the scope of the proposed Convention. His Majesty's Government consider it desirable, however, as an illustration of the subjects with which such a Convention might deal, to outline below certain of the more important reforms which they would desire to see effected.

I. Government Responsibility.—His Majesty's Government consider that the Government of a State issuing invitations to a foreign country to participate in an international exhibition cannot free themselves from the responsibility of ensuring that foreign participants receive proper treatment at the hands of the promoters. It is not thought that the mere approval by the Home Government of the constitution and regulations of the Executive is sufficient to protect foreign exhibitors, whose participation is generally subject to special contracts. In view of the fact that it is impracticable, without assuming responsibility for the management of the exhibition, for the Government to control the policy of the promoters when once official recognition has been given, His Majesty's Government feel that one of two courses only is open to the Government of the country in which an exhibition is held: either to refrain from giving any sort of official patronage or recognition to the exhibition, or to accept responsibility within reasonable limits, for the acts of the Executive.

The most satisfactory method of putting this principle into effect appears to be by the appointment by the Home Government of a Commissioner to represent them on the Executive, a practice successfully followed at the Brussels Exhibition of 1910. The object of such an arrangement is to enable the Home Government not only to exercise a general control over the administration of the exhibition, but also to undertake and accept responsibility for all negotiations with foreign commissioners. In the particular case quoted, all communications with foreign exhibitors and the commissioners of foreign countries were handled directly by the Government Commissioner.

II. Safety of Buildings.—In the area controlled by the London County Council general regulations are laid down relating to the stability of construction and fire-resisting qualities of exhibition buildings. It is understood that in most other countries, particularly those where the Napoleonic Code prevails, regulations of a similar nature exist which may be applied to exhibitions, and His Majesty's Government see no reason why an international code of regulations relating only to exhibition buildings should not be established on similar lines. It is not suggested that these regulations should necessarily be so stringent as those adopted by the London County Council, nor, on the other hand, that they should allow such freedom as is undoubtedly permitted by some countries in the construction of temporary buildings, but it is thought that a mean might satisfactorily be devised by which the simplest possible code of regulations consistent with the object in view might be enforced at all exhibitions. In cases where national or municipal laws exceeded the proposed code in stringency, the local practice would be adopted; in other cases the international code would have prior authority. The regulations, which would be embodied in the Convention above referred to, might be drawn up by a committee of experts, and a number of requirements which, in the opinion of His Majesty's Government, might usefully be considered by such a committee will be enumerated in a subsequent memorandum.

III. Customs Procedure.—In the opinion of His Majesty's Government, a great deal of unnecessary inconvenience is caused at successive exhibitions owing to the want of uniformity in customs procedure.

Various systems have been adopted for exhibition purposes in order to obviate the possibility of loss on the part of the revenue. At the Brussels Exhibition the system in force was that generally known as the *Entrepôt réel*, by which exhibits are transmitted in bond direct to the exhibition. The fundamental principle of this system is that the exhibition is treated as a bonded warehouse, of which all exits are guarded by customs officials. Under this system the customs formalities which have to be gone through by exhibitors are reduced to a minimum, the only documents required being a summary declaration giving a general description of the exhibits and the number of packages in which they are contained, to enable their identification at the close of the exhibition. The responsibility for guarding the exhibition enclosure rests with the customs officials and all possibility of fraud upon the revenue is excluded, since no exhibits can leave the exhibition without paying duty, unless evidence is produced showing that they are destined for re-export.

At the Turin Exhibition a system known as that of *Admission temporaire* was in force. Under this system the exhibition enclosure is not guarded by customs officials and it is therefore necessary, in order to prevent fraud, to obtain from exhibitors:—

- (a) A detailed description of the goods according to the customs classification of the country in question, together with a statement of the duties leviable, and
- (b) A deposit or guarantee for their payment on the part of exhibitors or their representatives.

This system involves a number of complicated formalities and much unnecessary expense and delay. It was devised primarily to facilitate the importation of goods which require some further process of manufacture and is quite unsuited for the purposes of an exhibition.

Other systems may be adopted in different countries, but the foregoing will serve to illustrate the desirability of establishing as far as possible uniformity of practice in future exhibitions, and of devising for all official exhibitions regulations of the simplest possible character compatible with the protection of the revenue.

IV. Railway Facilities.—His Majesty's Government consider that the question of railway facilities in connection with international exhibitions is one to which the attention of the Conference should also be directed. Special facilities for the

transport of exhibits have been available under certain conditions at all recent international exhibitions. The conditions, however, have often involved so much inconvenience and confusion as to render the concessions granted almost worthless. A great deal of correspondence is often necessary between the railway companies, the exhibition administration, and the foreign commissioners in regard to the period within which the promised facilities will be available, the method of grouping consignments on the return journey, and other details. These difficulties are due to the want of uniformity in the regulations of the different railways over which goods have to pass. His Majesty's Government accordingly consider that, as in the case of customs formalities, uniform regulations might be drawn up and submitted for the approval of the various State-owned and other railways concerned, which would obviate the necessity for discussing all such questions afresh at each exhibition.

V. *Awards*.—It is felt that the arrangements for judging exhibits and granting awards at international exhibitions have not kept pace with the developments which have taken place in recent years. The increase in the variety of products exhibited and the progress of science and invention have made it very difficult under the present system adequately to judge the number of articles included in the scope of a modern international exhibition. The result is a tendency to judge exhibits hurriedly and with less regard to their actual merit than to the size of the display or the standing of the exhibitor. Owing to the elasticity of the modern system of classification the same article is enabled to compete for and obtain awards in several classes and even in several groups. Awards have at most of the recent exhibitions been granted to so large a number of exhibitors that they cannot possibly carry the same weight as in earlier years when they were less lavishly bestowed, and the general feeling that the value of awards has sensibly diminished is largely responsible for the growing reluctance of manufacturers to take part in the international exhibitions.

Moreover, as no uniform practice prevails at different exhibitions as to the appointment of jurors, fresh regulations on this subject are drawn up by the promoters of each exhibition, and are usually submitted to the foreign commissioners at too late a date to permit of their adequate discussion. The commissioners of foreign countries are not informed at a sufficiently early date of the nature of the representation on the various juries which will be allotted to them, the result being that insufficient time is available before the meeting of the juries for any revision which they may consider necessary in the allocation of jurors or for their proper selection.

In a subsequent memorandum His Majesty's Government will deal in detail with the various reforms which they would like to see introduced into the present system of granting awards. It is sufficient here to say that they consider the time has come when some uniform practice should be established in regard to the classification of exhibits, the appointment of jurors, and the granting of awards, and they would suggest that the Berlin Conference should consider the questions of referring this subject to a special committee for careful consideration.

VI. *Monopolies and Concessions*.—It has been the practice at most recent exhibitions for the administration to supplement their revenue by the granting of concessions and monopolies, which accord to the highest bidder the exclusive right to exploit certain classes of business. Heavy fees or royalties are also demanded from any firms desirous of selling their products for delivery before the close of the exhibition.

For the establishment of restaurants, tea-rooms, and other places of refreshment, large sums of money are usually demanded by the holder of a monopoly, and foreign exhibitors, who have gone to great trouble and expense in furnishing attractive exhibits, often find themselves at a disadvantage with other competitors, owing to the fact that no restaurant or other place of refreshment can be established in their vicinity. In the same way, exhibitors who are desirous of advertising their products by the sale of samples have been debarred from doing so by the fact that some other firm has obtained a monopoly.

It has been the experience of His Majesty's Government that the practice which has hitherto obtained in regard to these matters is almost invariably a source of friction and annoyance, owing to the difficulty of determining whether the exhibition or sale of a certain article infringes any of the monopolies or concessions granted by the administration.

In the opinion of His Majesty's Government, exhibitions should be conducted upon the principle of equality of opportunity for all who participate, and, while recognising that special concessions may properly be granted for the right to exploit

places of refreshment or amusement, they consider that such concessions should be made subject to the reservation that they in no way interfere with the right of foreign countries to dispose of the space allotted to them to such firms or persons of their own nationalities as they may see fit and on such conditions as they may determine.

His Majesty's Government recognise that there is room for a wide divergence of opinion amongst the parties to the Berlin Conference, both as regards the general nature of the reforms which might be included in the proposed Convention, and as regards the technical details involved in giving effect to them. There are, of course, numerous other questions in regard to which greater uniformity of practice might usefully be aimed at, such as manutention; the provision of motive power, light, water and sanitary accommodation; insurance against fire, accidents and employers' liability, and other matters of a similar character. The experience of other countries, and particularly of those possessing permanent organisations for exhibition work, will doubtless suggest many additions and modifications to the proposals outlined by His Majesty's Government. They consider, however, that it should not be impossible to arrive at a mutual understanding without prejudice to the interests of any individual country, and they are confident that the reforms thus effected, in addition to limiting the number of exhibitions, would facilitate the official participation of foreign countries by reducing the expense and inconvenience attaching thereto.

PART II.

OBSERVATIONS UPON AGENDA AND UPON THE PROPOSALS OF THE GERMAN GOVERNMENT.

(The Roman numerals refer to the questions enumerated in the Agenda, pp. 2 and 3, and the Arabic numerals to the proposals of the German Government, vide Appendix A.)

His Majesty's Government have preferred to outline in the foregoing pages the main principles of reform which, in their opinion, should be established by the Conference rather than to discuss in detail the questions enumerated in the Agenda. For convenience of reference, however, it is considered desirable briefly to indicate the views of His Majesty's Government on the specific questions referred to in the programme, and on the proposals of the German Government in so far as they are not already dealt with in the preceding portions of this Memorandum.

A.—CLASSIFICATION OF EXHIBITIONS.

I. and II. (1-8). His Majesty's Government assume that the object of this section of the programme is to prevent misapprehension on the part of possible exhibitors as regards the genuineness of an exhibition and as to the likelihood of their receiving just treatment from the promoters. They fully agree, of course, in principle as to the desirability of classifying exhibitions for this purpose, but they foresee very great and practical difficulties in applying such a scheme as that suggested in Section A. II. As has already been pointed out in Part I., His Majesty's Government consider that any official recognition or patronage given to an exhibition will convey the idea that the Government has satisfied itself as to the integrity and financial stability of the promoters and the good management of the exhibition. It is further considered impracticable to arrive at any certainty on these points without assuming responsibility for the organisation and management of the exhibition, and it is accordingly thought that one of two courses is open to the Home Government—either to refrain from giving any sort of official recognition or patronage to the exhibition or to accept responsibility for the acts of the Executive.

His Majesty's Government accordingly consider that some of the grades of classification suggested in the programme are superfluous, and they think it would be sufficient to classify exhibitions as—

Official Exhibitions, either general or sectional (*i.e.*, those for which the Home Government accepts responsibility).

Unofficial Exhibitions, either general or sectional (*i.e.*, those for which the Home Government does not accept responsibility).

His Majesty's Government are fully in sympathy with the proposal made by the German Government that no rent should be paid for space in exhibitions of an official

character, but they feel some doubt whether such a proposal will recommend itself to all the countries represented at the Conference. In the event of its being considered practicable to insist upon such a condition, His Majesty's Government concur with the views of the German Government on this point.

III. The answer to the question whether the nature of the exhibition should be expressly stated in the invitations and public announcements of its organisation would appear to depend upon the opinion of the Conference in regard to the preceding questions.

If the above classification were adopted, the distinction between official and unofficial exhibitions would be so clearly defined that it would be impossible for the promoters of an unofficial exhibition to describe it as in any way supported by Government without being convicted of obvious misrepresentation. On the other hand the organisation of an exhibition receiving official support in the sense indicated above would at once make the fact known as widely as possible.

B.—GENERAL QUESTIONS.

I. (9-10). His Majesty's Government have already pointed out that they do not consider it practicable to decree that any fixed interval should elapse between the holding of two international exhibitions, since the latter depend upon special circumstances such for instance, as the celebration or commemoration of important national events.

In the opinion of His Majesty's Government it is by reforming their defects that the number of international exhibitions may best be limited. They have suggested the establishment of certain principles of promotion and organisation to which exhibitions should conform before they can obtain the support of foreign countries. Governments would refuse to take part in exhibitions which did not conform to these principles, with the result that the promoters would in many instances have to abandon their proposals, and the number of exhibitions would be automatically limited.

It would, of course, be understood and laid down in the convention that no country would participate officially in any exhibition of which insufficient notice had been given, and His Majesty's Government see no objection to the suggestion of the German Government that invitations to participate in official exhibitions should be addressed to the Governments of the contracting States not later than four years before the date fixed for the opening of the exhibition.

II. For the reason already stated in Section A. His Majesty's Government consider that only one degree of "official patronage or recognition" is practicable, namely that which involves responsibility on the part of the Home Government for the acts of the Executive. In the circumstances, His Majesty's Government consider that the question B. II. should be answered in the negative.

III. (11). In the view of His Majesty's Government, Governments are unable to participate officially in exhibitions which are not under the "official patronage" of the Home Government in the sense described above, *i.e.*, for which the Home Government is not fully responsible. It is also considered impracticable for the Home Government to accord any other degree of patronage to, or to demand guarantees from, the organisers of private exhibitions. His Majesty's Government accordingly consider that the answer to question B. III. should be in the negative.

C.—QUESTIONS RELATING TO ORGANISATION. (12-15.)

In another part of this memorandum His Majesty's Government have expressed the opinion that it would be desirable to establish a uniform system of regulations to which it would be necessary for an exhibition to conform before it would be considered suitable for international participation. A list has been given of the principal subjects on which such regulations are desired, and this list includes those subjects enumerated under headings C. 1, C. 2, C. 3.

His Majesty's Government accordingly consider that these questions should be answered in the affirmative.

His Majesty's Government are substantially in agreement with the proposals of the German Government in regard to these questions, but they think that, in view of the technical nature of many of the details involved, it will be impracticable for any definite decision to be taken on them by the Conference. They suggest that the elaboration of regulations such as those referred to in section C. of the Agenda should

be left to the International Committee, whose appointment they have suggested, on page 6 in the first part of this memorandum.

D.—PARTICIPATION IN EXHIBITIONS ABROAD. (16-21.)

I. His Majesty's Government assume that all official sections, whether organised by the Government itself or by a body specially recognised for that purpose, will continue to be regarded as national.

II. His Majesty's Government do not consider that the fact of a Government deciding for any reason not to be represented officially at an exhibition is of itself sufficient reason for preventing individual firms from contributing exhibits, and in the event of such an unofficial exhibit being organised they do not think any useful purpose would be served by laying down any restriction as to the title which should be given to the section so formed, provided that the section contained the exhibits of one country only, and that the exhibits were manufactured in that country.

With regard to the suggestion made by the German Government in the last paragraph of section 19 of Appendix A., His Majesty's Government are of opinion that goods manufactured at a branch establishment of exhibitors, situated abroad, should not be admitted into any other section but that of the country of their origin unless the consent of the Commissioner concerned shall have been previously obtained. It is thought that a hard and fast rule such as that proposed by the German Government in regard to this question might lead to confusion, and that the best solution of the difficulty is to be found by leaving each question to be settled upon its merits by the Commissioners of the respective countries concerned. Subject to the above reservations His Majesty's Government agree in the views expressed by the German Government in sections 16-21 of Appendix A.

E.—SUPPRESSION OF ABUSES. (22-24.)

In the opinion of His Majesty's Government the danger to the progress and popularity of exhibitions lies not so much in the prevalence of fraudulent and trivial exhibitions, as in the abuses which are apparent in connection with genuine exhibitions organised on a large scale. His Majesty's Government consider that the reluctance of manufacturers to exhibit their goods is due principally to the frequency with which such exhibitions are held, whether they are promoted with the full approval and support of the Government concerned or whether they are organised by companies or individuals as a purely financial speculation.

With regard to the first class, Governments, as has already been pointed out, have their own remedy—limitation and reform. With regard to the second, though they are held even more frequently, and may be even more defective in organisation, the difficulties in the way of direct repression would seem to be almost insuperable. They are a perfectly legitimate form of speculation, and any attempt to restrict them by legislative means would be considered an interference with the freedom of trade. A gradual education of public opinion among manufacturers, by the establishment of such principles as those recommended by His Majesty's Government, must be looked to to achieve their ultimate limitation.

A third type of exhibition is that which is promoted and organised for fraudulent purposes, and with this class European countries are only too familiar. In the opinion of His Majesty's Government, however, manufacturers who are deluded into participation in this kind of exhibition rarely reserve much sympathy, although it is, of course, desirable that such exhibitions should be repressed as strictly as possible. In most cases the common law of the country affords sufficient remedy against the promoters of bogus exhibitions, and His Majesty's Government doubt whether it is necessary or practicable to take any other measures for their suppression. His Majesty's Government feel, however, that their operations would be considerably hampered by the establishment of an International Bureau, to which all manufacturers could apply for information in regard to any exhibition in which they were invited to take part. It would be part of the work of the bureau to collect and disseminate information relating to exhibitions of a fraudulent nature, and the publicity which would thus be given to their real character would probably be quite as effective as any legislation of a repressive character.

His Majesty's Government have already suggested in Part I., on page 8, of the present memorandum, that the question of awards should be referred to a special committee for consideration. They agree generally in the suggestions of the German

Government in Section 24 of Appendix A., but think it is for consideration whether a Diploma of Honour should not be omitted from the list of awards granted at future exhibitions.

APPENDIX A.

PROPOSALS OF THE IMPERIAL GERMAN GOVERNMENT FOR THE DIPLOMATIC CONFERENCE ON INTERNATIONAL EXHIBITIONS.

A.—CLASSIFICATION.

1.

The arrangements to be concluded at the diplomatic conference shall relate only to international exhibitions. By international exhibitions are meant exhibitions in which foreigners may participate and in which they actually do participate.

2.

Exhibitions are defined according to:—

(a) Their scope—

- (i) as *general exhibitions*, which include all articles which can be shown at an exhibition;
- (ii) as *special exhibitions*, which include only certain special sections of public economy or certain branches of industry, science, art, &c.

(b) The auspices under which they are promoted—

- (i) as *official exhibitions*, i.e., exhibitions which are organised and managed by the Government and in which the latter issue the invitations to other countries to participate;
- (ii) *officially recognised exhibitions*, i.e., exhibitions organised by public or private bodies, which are expressly recognised by Governments, and in which Governments issue invitations to participate, either in their own name or by transmitting invitations from the above-mentioned bodies;
- (iii) *private exhibitions*, i.e., exhibitions organised by private persons.

These definitions suggest the following classification:—

- I.—A. General official exhibitions (universal exhibitions).
- I.—B. Special official exhibitions.
- II.—A. General exhibitions under official recognition.
- II.—B. Special exhibitions under official recognition.
- III.—A. General exhibitions organised privately.
- III.—B. Special exhibitions organised privately.

3.

In the case of general or special official exhibitions, no rent shall be paid for space, either in the open air or in the exhibition buildings. The administration of the exhibition may, however, limit the space granted to countries participating in the exhibition.

4.

An exhibition shall only be entitled to declare that it has obtained patronage in cases where it has obtained the effective patronage in his official capacity of the Chief of the State or Government of the country where the exhibition takes place. Such patronage shall be granted only on condition that there are sufficient guarantees as regards the exhibition from a moral, economic, and financial point of view. Such patronage shall alone entitle the addition of the words "Under the patronage of" to the designation of an exhibition defined in No. 2.

5.

As regards exhibitions which are officially recognised, the State which issues invitations must secure an effective right of action as regards organisation and an effective control over finances. Office approval shall be granted only on condition that financial guarantees of a satisfactory nature are obtained.

6.

Exhibitions which are officially recognised shall be submitted to the control of the Government of the country in which the exhibition takes place. Such Government shall have the right of intervening through official channels in all questions regarding organisation, administration, and exploitation.

7.

In general, the administration of an official exhibition or an officially recognised exhibition may not grant any monopoly, and especially any monopoly of such a kind as to restrict the freedom of action on the part of the countries participating.

8.

The category in which an exhibition is classed (*see* classification set forth in No. 2) must be expressly indicated in letters of invitation, and in the official publication respecting the exhibition.

B.—GENERAL QUESTIONS.

9.

The contracting States undertake not to organise simultaneously on their territories, considered as a whole, more than one general or special exhibition of a similar character, whether official or officially recognised, and not to hold such exhibitions at intervals of less than five years.

No contracting State may organise on its territory official or officially recognised exhibitions at intervals of less than twelve years.

10.

Invitations to participate in general official exhibitions shall be addressed to the other Governments not later than four years before the date fixed for the opening of the exhibition, and in all cases in such a way as to allow an understanding to be arrived at as to the possibility of participation.

11.

The Government of the country in which the exhibition takes place shall nominate official commissioners for exhibitions which are officially recognised.

For each exhibition regulations shall be drawn up containing provisions as to:—

- (1) The classification of exhibits.
- (2) The cost of their handling, especially with regard to the question as to whether such cost should be borne by the exhibitors or by the exhibition administration.
- (3) The sale and delivery to purchasers of articles sold.

C.—QUESTIONS OF ORGANISATION.

12.

Exhibition goods shall not be subject to import duty provided they are re-exported or that the person concerned furnishes proof that they have been destroyed or rendered valueless during the exhibition. Remission of import duties may be granted in the case of objects which have deteriorated in value at the discretion of the Customs administration of the country in which the exhibition takes place.

The following shall be considered as included under the term "Exhibition goods" at official and officially recognised exhibitions:—

- (1) Building materials, even if imported as raw materials and intended to be worked after arrival in the country in which the exhibition takes place.
- (2) Tools and transport material for use at the exhibition.
- (3) Articles for decorating exhibitors' stands or whole sections.
- (4) Decorative material and furniture for official offices and material employed in the installation of exhibits in action.

Official catalogues, whether illustrated or not, shall be exempt from Customs duty.

13.

Articles intended for general exhibitions, whether official or officially recognised, shall enjoy on railways situated within the territory of the participating countries a reduction of 50 per cent. on the outward and home journeys.

As regards special exhibitions, whether official or officially recognised, the free return of articles which have not been sold, raffled, or exchanged, shall be granted on railways situated within the territory of the participating countries.

The right of issuing special regulations on this point is reserved to the railway administration concerned. Requests for the grant of transport facilities shall be made in good time through diplomatic channels.

14.

General uniform regulations shall be drawn up to govern the work of the international jury. These regulations shall deal, amongst others, with the following questions:—

- (a) Each nation concerned shall be represented on the jury in proportion to the importance of its participation in the exhibition.
- (b) The functions of juror shall be entrusted, as far as possible, to experts, even in the special sections of each group. As regards technical exhibits, special bodies of technical experts shall be organised as far as practicable.
- (c) In the case of official participation, the Governments of the participating countries shall nominate the members of the jury of their sections. If the participation is officially recognised they shall confirm the appointment of the selected jurors.
- (d) The jury shall be composed of three grades.

15.

The names of the members of the jury, its composition, the rules governing its procedure, the decisions arrived at, and the list of awards and diplomas shall be published by the exhibition committee of the country in which the exhibition takes place.

D.—PARTICIPATION IN EXHIBITIONS ABROAD.

16.

Participation in exhibitions abroad shall be regarded as official if such participation is organised by the Government of the country participating.

It shall be considered to be officially recognised if the body entrusted with the work of participation has been recognised by the Government of the country participating. All other forms of participation shall be regarded as private.

17.

Only such sections as are organised, either by the Government of the participating country, or by special bodies commissioned for the purpose and recognised by such Governments, shall be regarded as national sections.

18.

Only official and officially recognised exhibitions shall, as a rule, have national and officially organised sections.

19.

National sections shall include only products of the country concerned. The products of one country shall only be admitted to the section of another country with the permission of the Commissioners concerned.

Articles shall be regarded as products of a country even if they are manufactured in branch establishments abroad.

20.

The countries participating shall nominate special commissioners for official sections and sections which are officially recognised. In the case of official participation, these commissioners shall be nominated by the Government of their country.

Their nomination shall be confirmed in cases where the participation is officially recognised.

As regards official sections and sections which are officially recognised, requests for space should be addressed only to the commissioners. Similarly allotments of space will be made only by the commissioners.

21.

In cases where non-contracting States organise exhibitions in their countries, the contracting States shall exchange views as regards participation before accepting invitations.

E.—SUPPRESSION OF ABUSES.

22.

The contracting States shall take steps against exhibitions of a fictitious, fraudulent, or trivial character in accordance with the laws in force in their respective countries and by all legal means.

23.

The contracting States shall also do all that is possible in conformity with their laws with a view to effectively suppressing abuses resulting from the action of unscrupulous agents who deal in exhibition awards, as well as from the use of fictitious awards.

24.

The following awards shall be granted at official and officially recognised exhibitions:—

- (1) Grand Prize.
- (2) Diploma of Honour.
- (3) Gold Medal.
- (4) Silver Medal.
- (5) Bronze Medal.
- (6) Honourable Mention.

It shall also be permissible to grant diplomas to collaborators and to those who have rendered active assistance to exhibitors who have received awards or who have been placed "hors concours."

The grant of the distinction "hors concours," on whatever grounds it may be made, does not imply any decision of the jury with regard to the articles exhibited, and consequently is not included in the category of awards enumerated in the first paragraph.

Enclosure 2 in No. 35.

BERLIN CONFERENCE ON INTERNATIONAL EXHIBITIONS. OCTOBER, 1912.

EXPLANATORY NOTE FOR THE INFORMATION OF THE DOMINION GOVERNMENTS.

It will be remembered that the Imperial Conference which was held last year discussed among other matters the question of participation in an International Conference on the subject of exhibitions which is to be held at Berlin this year under the auspices of the German Government.

His Majesty's Government then promised to approach the German Government with a view to securing invitations for the Dominion Governments to be represented at the Conference, if the Dominion Governments desired them to do so. In order, however, that the Dominion Governments might come to a decision in this matter, His Majesty's Government promised to circulate to them a full statement of their views upon the questions which were to be discussed.

His Majesty's Government have now had an opportunity of considering in detail the proposals which the German Government will lay before the Conference, and their observations upon these proposals, together with their own counter proposals are fully set forth in the attached memorandum.

As will be seen from this document, His Majesty's Government are of opinion that the most important questions to be dealt with at the Berlin Conference are:—

1. The limitation of the number of International Exhibitions.
2. The improvement of their organisation and management.

There is a growing feeling amongst British manufacturers that it is impossible to take part in all International Exhibitions which are proposed to be held, and from

enquiries which have been made there is reason to believe that this feeling also exists in most other European countries.

In order to limit the number of International Exhibitions, the German Government have suggested that the parties to the Conference should bind themselves not to organise official or officially recognised International Exhibitions:

- (a) On their territories considered as a whole, simultaneously or at intervals of less than five years, or
- (b) On their individual territories at intervals of less than twelve years.

His Majesty's Government are fully in sympathy with the principle of limitation as proposed by Germany, but they have some doubt if at the present time it would be practicable to lay down any definite rule as to the precise term of years which should elapse between the holding of two International Exhibitions. They have, therefore, suggested in the attached memorandum an alternative method of achieving the same object.

His Majesty's Government doubt whether the question of limiting the number of exhibitions can usefully be separated from the question of reforming them. They have therefore suggested that the efforts of the Conference should be directed in the first place to the establishment of certain broad principles of reform and that the contracting States should bind themselves by a Convention not to participate officially in any exhibition unless organised and managed in accordance with the conditions therein laid down. The conditions suggested by His Majesty's Government are outlined on pages 6-9 of the attached memorandum, and deal with such questions as the control of the Home Government over the general administration of the exhibition: the safety of buildings, particularly against fire; the adoption of a uniform procedure as regards Customs and railway facilities; the re-modelling of regulations governing the granting of awards and the reform of the present system of granting monopolies and concessions.

These are all questions which have given rise to trouble and misunderstanding in past exhibitions and His Majesty's Government are of opinion that the establishment of a settled practice in regard to them would be beneficial to all countries alike.

His Majesty's Government propose, therefore, that a Convention should be drawn up by which the contracting Governments should bind themselves not to exhibit in any exhibition which did not conform to a number of definite conditions based on the questions indicated above, and that an International Commission should be established to determine whether any particular exhibition fulfilled those conditions or not. If this proposal were adopted it would mean that none of the contracting Governments could take part officially in any International Exhibition which had not first been approved by the International Commission.

A convention on these lines would probably be acceptable to most European countries, but it is realised that there are other countries which might prefer to retain their freedom to participate in as many exhibitions as they might see fit, and whose interests might consequently be better served by standing out of the Convention altogether. In this category might be found certain countries whose trade is growing rapidly or which are fostering young industries or whose principal object in exhibiting is to attract capital and labour.

Such countries, though standing aloof from the Convention, will benefit equally with the States comprised in the Convention in any improvements which may be effected in the management of exhibitions, and will, moreover, be free to take part, not only in those exhibitions which conform to the conditions laid down in the Convention, but also in those exhibitions from which the parties to the Convention are debarred.

The Berlin Conference is to be held in October next, and it is understood that the German Government have invited the following States to be represented:—Belgium, Denmark, France, Great Britain, Italy, Japan, The Netherlands, Norway, Austria Hungary, Russia, Sweden, Switzerland, Spain, and the United States.

If the Dominions wish to be separately represented at this Conference His Majesty's Ambassador at Berlin will be instructed to obtain the necessary invitations for them. Before, however, taking any further steps in this matter His Majesty's Government would be glad to learn the views of the Dominion Governments as to the questions to be discussed at the Conference, and as to whether they wish to be represented thereat.

20531

No. 36.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)	(Victoria.)	} (Confidential.)
(Australia.)	(Queensland.)	
(New Zealand.)	(Tasmania.)	
(Union of South Africa.)	(South Australia.)	
(Newfoundland.)	(Western Australia.)	
(New South Wales.)		

[SIR] [MY LORD],

Downing Street, 6 July, 1912.

WITH reference to

- [Your Royal Highness's despatch, No. 283, of the 11th of May*]
- [Your Excellency's telegram of the 6th of October, 1911†]
- [your telegram of the 21st of September, 1911‡]
- [Your Excellency's despatch, No. 783, of the 7th of October, 1911§]
- [Sir W. Horwood's telegram of the 27th September, 1911||]
- [Sir W. Cullen's telegram of the 23rd September, 1911¶]
- [your telegram of the 6th of October, 1911**]
- [your despatch, No. 60, of the 27th of September, 1911††]
- [your telegram of the 18th of September, 1911‡‡]
- [your telegram of the 2nd of October, 1911§§]
- [your telegram of the 18th of September, 1911|||]

I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of the draft instructions†† to the delegates of His Majesty's Government to the forthcoming International Conference at Berlin on the subject of International Exhibitions, together with an explanatory memorandum¶¶ which has been prepared for the information of the Governments of the self-governing Dominions.

2. I shall be glad to receive any observations which your Ministers may have to make on these memoranda.

3. In the meantime a meeting of the High Commissioners of the self-governing Dominions and the Agents-General of the Australian States in London is being arranged.

4. [To Commonwealth only. A similar despatch has been addressed to the Governments of the States.]

I have, &c.,

L. HARCOURT.

20531

No. 37.

COLONIAL OFFICE to HIGH COMMISSIONER FOR CANADA.

[Answered by 23361 : not printed.]

(Confidential.)

Downing Street, 16 July, 1912.

SIR,

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the High Commissioner, the accompanying copy of correspondence*** with the Governor-General of the Dominion, on the subject of Resolution V. of the Imperial Conference of 1911, respecting the question of International Exhibitions.

2. The Board of Trade consider that it would be useful if the draft Instructions to the delegates of His Majesty's Government to the forthcoming International Conference at Berlin, and the explanatory memorandum, which formed enclosures in Mr. Harcourt's Confidential despatch of the 6th of July††† could be discussed at a meeting between the representatives of the self-governing Dominions and State Governments in London, and representatives of the Board of Trade and of this Department. Such a discussion would enable the representatives of the Dominions

* No. 40 in Dominions No. 39.	† 32407 : not printed.	‡ 30838 : not printed.
§ 34815 : not printed.	|| 31477 : not printed.	¶ 31027 : not printed.
** 32447 : not printed.	†† 35704 : not printed.	‡‡ 30482 : not printed.
§§ 31910 : not printed.	||| 30435 : not printed.	¶¶ Enclosures in No. 35.
*** Nos. 34 and 40 in Dominions No. 39.		††† No. 36.

and State Governments to obtain further explanations upon any points in the draft Instructions or the explanatory note which may appear doubtful, so that they may be in a position to telegraph to their Governments any suggestions which they may desire to make on the questions raised in the draft Instructions.

3. Mr. Harcourt accordingly proposes that a meeting should take place on the 26th of July at this Office, at 12 noon, and he trusts that the High Commissioner will be able to attend or to be represented.

I am, &c.,
H. W. JUST.

20531

No. 38.

COLONIAL OFFICE to HIGH COMMISSIONERS, AGENTS-GENERAL, &c.*

(Confidential.)

SIR, Downing Street, 16 July, 1912.

With reference to

[Australia: your letter of the 5th of October, 1911,†]

[New Zealand: your letter of the 12th of October, 1911,‡]

[Union of South Africa: your letter of the 9th of October, 1911,§]

[Tasmania: your letter of the 25th of September, 1911,||]

[South Australia: your letter of the 5th of October, 1911,¶]

[To remainder: to the letter from this Office of the 11th of October, 1911,**]

I am directed by Mr. Secretary Harcourt to [request you to inform the High Commissioner] [to inform you] that the proposed discussion of the question of co-operation with regard to international exhibitions between the Imperial, Dominions, and State Governments has been unavoidably delayed, as the Board of Trade found it necessary to acquire certain further information.

2. I am now to enclose for [the information of the High Commissioner] [your information] the accompanying copy of a Confidential despatch†† which has been addressed to the [Governor-General of the Commonwealth] [Governor of New Zealand] [Governor-General of the Union of South Africa] [Governor of New South Wales] [Governor of Victoria] [Governor of Queensland] [Governor of Tasmania] [Governor of South Australia] [Governor of Western Australia] forwarding copies of a draft of instructions to the delegates of His Majesty's Government to the forthcoming International Conference at Berlin on the subject of International Exhibitions, together with an explanatory memorandum which has been prepared for the information of the Governments of the self-governing Dominions and States.

3. The Board of Trade consider that it might be convenient if these two memoranda were informally discussed at a meeting between the representatives of the Dominions and State Governments in London and representatives of the Board of Trade and of this Department. Such a discussion would enable the representatives of the Dominions and State Governments to obtain further explanations upon any points in the draft Instructions or the explanatory note which may appear doubtful, so that they may be in a position to telegraph to their Governments any suggestions which they may desire to make on the questions raised in the draft Instructions.

4. Mr. Harcourt accordingly proposes that a meeting should take place on the 26th of July at this Office at 12 noon, and he trusts that [the High Commissioner] [you] will be able to attend or to be represented.

I am, &c.,
H. W. JUST.

* Sent to the Official Secretary to the Commonwealth of Australia, the High Commissioners for New Zealand and for the Union of South Africa, and the Agents-General for New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia.

† 32801: not printed. ‡ 33015: not printed. § 32803: not printed. || 31236: not printed.
¶ 32376: not printed. ** No. 37 in Dominions No. 39. †† No. 36.

20531

No. 39.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, 16 July, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 2nd of July,* and to transmit to you, for the information of the Board of Trade, the accompanying copies of despatches† which have been addressed to the Governors-General and Governors, and of letters‡ which have been addressed to the representatives in London of the self-governing Dominions on the subject of the Berlin Conference on International Exhibitions.

2. The Board will no doubt realize that as the High Commissioners and Agents-General cannot by the 26th of July—the date fixed after semi-official communications with your Department for the proposed discussion—have received instructions from their Government they will, therefore, only be in a position to discuss the matter generally, and to obtain information from the Director of the Exhibitions Branch, who, it is understood, will be able to attend on that occasion.

I am, &c.,
H. W. JUST.

24442

No. 40.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)	(Western Australia.)	} (Confidential.)
(Australia.)	(Tasmania.)	
(New South Wales.)	(Union of South Africa (2).)	
(Victoria.)	(New Zealand (2).)	
(Queensland.)	(Newfoundland.)	
(South Australia.)		

[SIR] Downing Street, 9 August, 1912.
[MY LORD],

With reference to my despatch, Confidential, of the 6th of July,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the confidential information of your Ministers, the accompanying copy of the minutes of a meeting which took place on the 26th of July between the representatives of the Board of Trade, this Department, and the High Commissioners for the self-governing Dominions and the Agents-General for the Australian States to discuss the subject of International Exhibitions.

[To Commonwealth of Australia and Australian States only: 2. Should it be desired that Australia should be represented at the International Conference it will, of course, be necessary, in accordance with the principles laid down in Lord Elgin's despatch, No. [1] [2] of the 3rd of January, 1908,§ that the representation should be of the Commonwealth, and I assume that this will be arranged for, if desired, in consultation between the Governments of the Commonwealth and of the States.]

[To Commonwealth of Australia only: 3. A similar despatch is being addressed to the Governors of the States.]

[To Australian States only: 3. A similar despatch is being addressed to the Governor-General of the Commonwealth and to the Governors of the other Australian States.]

I have, &c.,
L. HARCOURT.

* No. 35. † No. 36. ‡ Nos. 37 and 38. § No. 96 in Australian No. 189.

Enclosure in No. 40.

MINUTES OF PROCEEDINGS AT A MEETING HELD ON JULY 26TH, 1912, TO DISCUSS THE
QUESTION OF INTERNATIONAL EXHIBITIONS.

(Confidential.)

Colonial Office,
Friday, 26th July, 1912.

PRESENT:

Sir H. LLEWELLYN SMITH (in the Chair)	} representing the Board of Trade.
Sir ALFRED BATEMAN,	
Mr. STANLEY,	
Mr. WINTOUR,	
Sir HARTMANN JUST, Secretary to Imperial Conference.	
Mr. KEITH, Junior Assistant Secretary to Imperial Conference.	
Mr. GRIFFITH, representing High Commissioner for Canada.	
Mr. SAVAGE, representing High Commissioner for Commonwealth.	
Mr. WRAY PALLISER, High Commissioner for New Zealand.	
Mr. NIGHTINGALE, representing High Commissioner for Union of South Africa.	
Mr. HURLEY, representing Agent-General for New South Wales.	
Sir JOHN TAVERNER, Agent-General for Victoria.	
Sir T. ROBINSON, Agent-General for Queensland.	
Mr. KIRKPATRICK, Agent-General for South Australia.	
Sir N. MOORE, Agent-General for Western Australia.	
Sir J. MCCALL, Agent-General for Tasmania.	

CHAIRMAN: Gentlemen, I may say, in opening this Conference, that Mr. Harcourt has asked me to take the Chair because primarily the matters which we are to discuss are questions with which the Board of Trade are chiefly concerned.

I think you have had circulated amongst you, and the Governments which you represent have also had sent to them, a draft of the instructions* which it is proposed subject to any discussion which may take place now, or any observations which you or your Governments may make upon the matter in question, to give to the British delegates at the forthcoming Conference at Berlin. The object of the Conference is known to you all.

I do not want to detain you by explaining to you what the object of the Berlin Conference is, because no doubt you are all familiar with it from the papers which have been circulated among you. The only thing which I should like to have your views upon is as to the most speedy and convenient method of getting through the subjects which we have to discuss to-day, and, unless anybody has anything better to suggest, I would propose that we should take the draft which you have, and run rapidly through it and settle it.

Sir JOHN TAVERNER: I should like to raise a preliminary point. I regret that this meeting, which is the outcome of an Imperial Conference, is not presided over by Mr. Harcourt. Of course, if we are only to discuss the matters which you have mentioned, Sir, so far well, but I take it that we are here to discuss the full question of the policy in connection with future international exhibitions. Of course, if I am wrong, well and good, but speaking for myself, I do not think it is a fair thing to ask us at this stage to discuss these draft instructions to delegates of His Majesty's Government attending the Berlin Conference; I am of opinion that, inasmuch as the Imperial Conference thought the matter of sufficient importance to suggest the bringing about of this meeting, we ought, before attempting to discuss the instructions to the British delegates, to deal with the question of policy. Another point which I wish to raise is that Friday is a most unfortunate day to convene such a gathering, and I would suggest that a meeting should be held on some future day, not on a Friday, because we have to deal with the despatching of mails and all sorts of important questions on that day. It appears to me that this question involves several hours of discussion, so that I should like to move to postpone this meeting till another date, when we could come to an understanding as to whether we are to discuss the question of policy involving the recognition of the States, or whether we are going to discuss and advise the British delegates as to the action which they are to adopt when they attend the Berlin Conference. I think, myself, that the representatives at the

* Enclosures in No. 35.

Berlin Conference should be representative of the Conference which we are holding to-day.

Mr. KIRKPATRICK: Mr. Harcourt wrote to the various Governments suggesting that their representatives should meet together here and confer with the Board of Trade. As far as I am concerned—reading from the despatch to my Government and the cable in reply—I take it that they are in accord with the principle, and that they desire that we should confer with the Board of Trade in regard to the proposed instructions to be given to the British delegates on the matter.

May I say, Sir, that I am requested to join with the several Agents-General in a conference with the Board of Trade, and to discuss this question with them?

CHAIRMAN: What I understood was that a suggestion had been made to the Dominion Governments that the matter should be discussed with the Board of Trade, and that is my excuse, really, for being here. Upon the question of whether it is convenient to-day to proceed, that is a matter, really, for you generally. Of course, you are a number of busy people who have come here together, and whether you would like to make all the progress we can now or whether you would like to adjourn is a matter entirely for you. To-day may be, of course, an inconvenient day for some, but any day would be equally inconvenient for some.

Mr. KIRKPATRICK: With regard to the date of meeting, I should like to say that Mr. Harcourt suggested some other date which I knew would be an inconvenient one for the Agents-General, and therefore the date was altered until to-day. I think the meeting has been fixed with the very best of intentions and that therefore we cannot complain.

Sir HARTMANN JUST: If I may, I should like to read the telegram which was sent, as the result of which this meeting has been called. It was sent as the result of a resolution of the Imperial Conference and the discussion leading up to it: "The Board of Trade are preparing statement of suggestions on the question of international exhibitions and consider, &c." (*reading the telegram**). Therefore you see the position. That telegram was sent by Mr. Harcourt to all the Governors-General and everybody concerned, and it is in consequence of that telegram that you have, I presume, received your instructions.

CHAIRMAN: With regard to the point which has been raised by Sir John Taverner, may I be allowed to put it in this way: that nothing which we say to-day can prejudice the right of any Government with regard to what may happen hereafter as to suggesting special representation. It occurred to us that whether a special representation is asked for, or whether in any case any Dominion is content to be represented through Imperial representation, nevertheless some kind of common understanding as to the line to be taken would be of advantage, if we can arrive at it. What I mean is that, supposing there is one representative or half-a-dozen representatives, they should all be in accord. We do not want to be instructing Imperial delegates to put forward propositions which would be likely to be combated by representatives of the Dominions if we can avoid it. Can we perhaps proceed on that basis, Sir John Taverner, so that we may see whether we are in accord as to the line which ought to be taken?

Sir JOHN TAVERNER: I quite agree, but according to the cablegram which I received from my Government, I imagined that Mr. Harcourt would be here to receive us; but I find that we are brought down to discuss these matters with a representative of the Board of Trade. However, I am prepared to take part in the discussion, reserving the point raised.

CHAIRMAN: Then, gentlemen, is it your convenience that we take the document which has been circulated amongst you? and if you please I will turn to page 4.

Sir N. MOORE: I should prefer to commence at once with the draft instructions.

CHAIRMAN: Then on pages 2 and 3 you will find the German questions, and the mode in which we are rather contemplating answering them is better shown, I think, in the memorandum which will be found in Part I, on page 4. The last paragraph is the paragraph which embodies the statement of opinion. You will see on the top of page 4 the list of subjects, A, B, C, D, and E, and then you will see: "His Majesty's Government, while interested in all the subjects referred to, are of opinion that the most important is that relating to the limitation of the number of great international exhibitions. Owing to the trouble and expense involved in the preparation of creditable exhibits, there is a growing feeling amongst British manu-

* See Annexure.

facturers that it is impossible to take part in all the international exhibitions which are now being held. From enquiries which have been made, there is reason to believe that this feeling also exists in many other countries."

MR. KIRKPATRICK: Do you want us to say whether we agree with those or not?

CHAIRMAN: Yes, I should be glad.

MR. KIRKPATRICK: I do not think anyone could disagree with them.

CHAIRMAN: Fundamentally, I take that to be so. Then the reasons are given in the next two paragraphs. There may be reasons which are applicable to the Dominions which are not so applicable here, but the conclusions, you will see, are as stated. Then I come to the suggestion of the German Government in the last paragraph but one on that page, which is this: "The German Government have suggested with this object that the parties to the Conference should bind themselves not to organise official or officially recognised exhibitions (a) on their territories considered as a whole, simultaneously or at intervals of less than five years, or (b) on their individual territories, at intervals of less than twelve years."

SIR J. McCALL: I should like to be allowed to raise a point here. Would the official recognition of the Government of Canada make it an international exhibition? because, you see, that is the whole point. There might be local exhibitions which the Government might desire to support.

CHAIRMAN: I think the answer to that will be found when we come to pages 6 and 7. Those paragraphs are very vital, I agree, to our consideration, and you may desire to deal with them. "In the first instance it will be necessary to define for the purpose of the Convention the term 'international exhibition.'" The suggestion put forward is that an exhibition is an international exhibition if two foreign countries are invited to participate in it. We think, subject to what you may have to say, that such a thing as the Anglo-Japanese Exhibition, in which two countries were joined together, is not international; but the moment you get beyond that, and you have two independent countries, we suggest that that comes within the Convention. Moreover, we propose to suggest that nothing in the Convention should restrict the right of any Government within the Empire to participate in any inter-Imperial exhibition.

SIR JOHN TAVERNER: In other words, it in no way interferes with what might be called an inter-Colonial exhibition.

CHAIRMAN: Quite so. Then on page 7 you will see: "In proposing this definition as the basis of the Convention, His Majesty's Government suggest the following reservations:—(1) That any Government should be free to participate in any exhibition held within its own dominions or its colonies. (2) That in the event of a colonial Government" (I think the word "colonial" should come out) "subscribing to the Convention, such colonial Government should have complete freedom of action in regard to participation in any exhibition held within the Empire of which it forms part." Then (3) "That in the event of any congress or specialised exhibition being held having for its object the exchange of information on matters directly affecting the public welfare or for the advancement of scientific or educational knowledge, any individual department of the public service of any country shall be free to contribute exhibits of matters falling within its own administrative activities." That is to say, we do not want, because of any limitations in the Convention to prevent, say, a department of health in some country from sending exhibits to a health exhibition. I should like to know if that meets your views.

MR. GRIFFITH: I suppose the Government of a State means the central Government. It would not apply, say, to the Provincial Governments of Canada?

CHAIRMAN: I do not think I used the word "State," did I?

SIR JOHN TAVERNER: I think that if we struck out the word "Colonies" and inserted "State or Colonial Government" it would meet the case.

SIR HARTMANN JUST: All that is wanted is to put in "State or Colonial."

MR. KIRKPATRICK: You are asking now for the first time for the State Governments to express an opinion upon these matters, and that must be borne in mind.

SIR N. MOORE: And, Sir, you have to bear in mind also that it is the State Governments that control the resources which would be represented at these exhibitions—the land, the produce of the land, the mines, and the whole of the natural resources are controlled by the States; consequently it is much more a very material point to the States.

CHAIRMAN: May I ask, for my own information, is it possible for a particular State in Australia to adhere separately to a treaty now? Of course, I am talking of

an International Convention, and it is possible that a State Government might organise an international exhibition to the extent of being a party to a Convention.

SIR ALFRED BATEMAN: Perhaps I might say that at Washington last year some of the countries raised objection to even a Dominion having separate representation, because they said it gave too many votes.

MR. KIRKPATRICK: If we cannot do anything, and we have no power to do anything, and it is not within our province to agree or disagree, what is the use of discussing the matter at all?

SIR HARTMANN JUST: At any rate, it is for the Commonwealth to consult the States with regard to these matters, and consequently the Commonwealth was informed that at this meeting the Agents-General would be taken into consultation.

SIR JOHN TAVERNER: As a matter of fact, the High Commissioner and the Agents-General have not yet met and discussed this matter. We did intend to do so, but we have been too much engaged, and we have had no opportunity. Therefore, I think it would be as well to let a meeting take place between them first.

MR. KIRKPATRICK: I should like to do what I am instructed to do, and that is, join with the other Agents-General, and confer with the Board of Trade.

SIR JOHN TAVERNER: But your instructions were never to allow yourself to efface your State.

CHAIRMAN: I think we must not do anything to-day which will prejudice any question of policy as between the States and the Dominions, but it would really be a great help to us to have an idea as to what general lines seem to you to be right. We should be helped so far by a unanimous consensus of opinion.

SIR N. MOORE: I think that a general basis, formed on what might emanate from this Conference, would be the establishment of a central committee here which could advise the State Governments and the other Dominions, whether, for instance, a certain exhibition which it is proposed to hold should be countenanced or not, and to see whether it is got up by responsible people—whether it is under the auspices of the Government. I think that some expression of that kind would be of great value. The whole of the State Governments, as well as the Commonwealth Governments, are approached by various promoters, and they decide on the advice of their representatives whether they shall be represented or not. I think if there was some advisory committee formed here which could advise on some points like that, it would be of very great value.

CHAIRMAN: We are inclined to think, after considering and examining the question, that it may be necessary to go further than that, and to have an international bureau to whom any Government could apply, representing not only the Empire, but foreign countries, so as to get authentic information as to whether the management complies with certain elementary conditions—whether it is properly financed, and whether the Government which issues the invitation really controls the management, so that if exhibitors are discontented they can go to the Government and say, "You asked us to come here, and we are being badly treated"—so that we shall not be told, "Oh, the Government have nothing to do with it."

MR. KIRKPATRICK: I take it that the German people want us to join in suppressing certain conditions in connection with exhibitions. Of course, anybody at present can deceive the public as much as he likes; and the objects of the proposals I think are very good; but the point is that the Commonwealth Government and the Imperial Government, no doubt, will be represented at this Conference, and it does not follow at all that any State will be represented separately. I do not know that the State of South Australia will be represented at that Conference at all—I have heard nothing about it so far. Therefore, all I can do, upon my present instructions at any rate, is, if I come to any agreement, to send it out for the approval of my Government.

SIR JOHN TAVERNER: I think if you are prepared, Sir, to accept words which will bring the State under this definition, we might get on. Lower down in the same paragraph, on page 7, you will see it says: "In this connection it should be clearly understood that *unless otherwise arranged* His Majesty's Government would represent only the United Kingdom and the Crown Colonies, leaving the Governments of the self-governing Dominions to adopt any attitude they may see fit towards international exhibitions." This would exclude the States.

CHAIRMAN: A Colony is not a self-governing Dominion.

SIR JOHN TAVERNER: Is a State a Dominion?

CHAIRMAN: No. I think this sentence is simply to guard us against it being supposed to apply to all the Dominions without any consultation. You see the words there in italics: "unless otherwise arranged." That is to say, if it was sufficiently in accord with the instructions, and they wished to do it, they could put the case in the hands of the same delegates, or they could, if they chose to, stand out altogether and say, "We do not agree with the policy, and we would rather stand outside."

Sir JOHN TAVERNER: I really think that we ought to have a meeting amongst ourselves to discuss the matter, because I am not in a position to say whether my Government is prepared to allow itself to be effaced in this way.

CHAIRMAN: I quite understand that, but nothing that we do to-day can possibly affect the question of policy, really.

Sir JOHN TAVERNER: But do you not think that if we are to come here and give our time and experience upon these matters, that it is a little hard to be told that we are not to be recognised?

Mr. KIRKPATRICK: I think we could proceed to do some business on the understanding that we are not binding our Governments. That should be made clear, and then the proper thing would be for us to send to our Governments the result of this Conference, which they have asked us to attend.

CHAIRMAN: Then on that basis I should like to ask one question. If the policy is agreed, that we should try to limit the number of exhibitions, would you adopt the general proposal, which is, that the Convention should fix the limit of years—not less than five years on their territories considered as a whole, or, on their individual territories, at intervals of less than twelve years? Our view is that it is premature to try and fix a hard and fast limit, because so many things, like national anniversaries and national functions, come in, making it expedient that the holding of an exhibition in one year rather than another should be determined, as, for instance, in the case of the San Francisco Exhibition. Our view is that laying down stringent conditions would limit exhibitions. As a general principle, apart from details, does this proposal commend itself to you? A hard and fast line of twelve years might operate very awkwardly.

Sir N. MOORE: In the case of the big exhibition which was held there, I think there was another exhibition held at Glasgow immediately afterwards, and it was found that having all the exhibits in the country, and all the officials and attendants, the Government were only too glad to take the opportunity of sending their exhibits to the second exhibition at very little increased expense.

CHAIRMAN: I think that was an Inter-Imperial exhibition rather than a foreign exhibition, was it not?

Mr. KIRKPATRICK: I think that was called the Franco-British Exhibition.

CHAIRMAN: Yes, but that would be excluded.

Sir N. MOORE: I think the point is worth considering. When people send exhibits to a country and they find there is an opportunity of utilising them at another centre there is less expense incurred and it means a big saving to them.

CHAIRMAN: Yes. That is a matter of convenience; but then you slide into the present difficulty of either having very bad exhibitions or of putting too great a tax on exhibitors.

Sir N. MOORE: No; you gauge the importance by the amount of money subscribed. Could not you restrict the number in that way rather than from a territorial standpoint?

CHAIRMAN: That is rather the line on which we propose to proceed—to secure that the financial basis and the management are on a proper footing.

Sir J. McCALL: But I take it there would be no attempt to interfere with any State sending exhibits to any exhibition?

Sir THOMAS ROBINSON: The interests of States like our own were not, in every respect, identical with those of the Mother Country. For instance, our exhibits generally consist of natural products; these are easily obtained and can readily be mustered without difficulty or delay, whereas, an exhibition to be representative of the manufactures of Great Britain must, of necessity, be more difficult to procure, as it requires the co-operation of a large number of manufacturers. And, in the case of the Australian States, there is good reason why we should not lose the advantage to be gained by exhibiting at smaller and less important exhibitions, because a new country, such as Queensland, for instance, is anxious to advertise her products and resources upon every possible occasion. For this reason it might be advisable

for Queensland not to enter the Convention, but I would consult my Government upon the subject.

Mr. KIRKPATRICK: There is a difference between exhibits from the Colonies and exhibits from the United Kingdom, and allowance must be made for that difference.

CHAIRMAN: I think the conditions obtaining now are so different that it is perfectly possible that when the negotiations have proceeded further some of the Dominions may think that their interests would be best served by having nothing to do with the Convention, because they may wish to push their own products and exhibit them where there is better opportunity. But, even then, the conclusion which may be arrived at would be useful. I think it is quite possible that when the whole thing is finished, and the Convention is drawn up, on looking at it you may say, "We are glad that it should go through, but we do not see our way to be any party to it." Nothing said to-day and no discussion about instructions could in any way, of course, bind your Governments; they would consider what was best in their own interests. In fact, attention was drawn to it in the explanatory note, which says: "A convention on these lines would probably be acceptable to most European countries, but it is realised that there are other countries which might prefer to retain their freedom to participate in as many exhibitions as they might see fit, and whose interests might consequently be better served by standing out of the Convention altogether."

Sir J. McCALL: It is a point, I think, how far we can stand out.

CHAIRMAN: But you could, you see, because no convention binds any Dominion without its consent.

Mr. KIRKPATRICK: Then on the other hand, there are many proposals which the States must agree to.

Sir N. MOORE: There is another point, upon reading it further, which occurs to me, and that is, that at the Berlin Conference only a certain number of States will be represented. Great Britain is represented, and that, of course, includes the British Empire.

Mr. KIRKPATRICK: Upon that point, does that limit the representation of these countries? if so, Australia is not to be represented.

CHAIRMAN: Those are Governments which have received invitations. If any other country wishes to be represented, I take it that it would be a matter of diplomatic representation. Supposing that the Australian Government is not represented in any way at Berlin, and they give no instruction that their interests should be confided to the British delegates, I suppose the British delegates would have to say that they do not represent Australian interests.

Sir JOHN TAVERNER: The point which I would like settled is, whether or not we are right in taking the line that it is premature to fix at once any hard and fast limit.

CHAIRMAN: You see what is said on page 4: "His Majesty's Government have some doubt if at the present time it would be practicable to lay down any definite rule as to the precise term of years which should elapse between the holding of two international exhibitions. The dates of great international exhibitions are frequently fixed in order to celebrate an anniversary, or to synchronise with some event of great national importance; such, for instance, as the exhibition at Turin in 1911, held to commemorate the unification of the Kingdom of Italy in 1861, and that which it is proposed to hold at San Francisco in 1915 to celebrate the opening of the Panama Canal. Other sufficiently good political or economic reasons are usually available for the holding of an exhibition at a particular date. While they are in hearty sympathy with the principle of limitation, as suggested by the German Government, they think that it might be preferable to leave it to the International Commission and Bureau (the creation of which they propose below) to impose such limit as may seem expedient and practicable from time to time." Then I think this is important: "His Majesty's Government are of the opinion that the most effective method of achieving the object in view (*i.e.*, the limitation of international exhibitions) would be by common agreement upon a policy of reform in regard to their promotion and management." If we had stringent enough conditions, we might not have to lay down anything else. Then you will see we go on about the kind of exhibitions through the next two paragraphs.

Sir N. MOORE: If this Conference does nothing else but lay down general principles on these lines, I think it will have achieved some considerable amount of success.

CHAIRMAN: Yes; that is what we want to do. What we want to do is to prevent the multiplication of exhibitions which are failures.

MR. KIRKPATRICK: I take it now that neither the States nor the Commonwealth will be represented unless some steps are taken. The Conference takes place in October, and unless some steps are taken no State or the Commonwealth will be represented separately, but the Empire will be, and what the British Government are doing is to confer with us, as representing the States and the Commonwealth, to see how far we can strengthen the hands of the British representatives. Is that the idea?

CHAIRMAN: Yes, I think that is so.

MR. KIRKPATRICK: And you are telling us what your views are and we are discussing them.

CHAIRMAN: Yes, without prejudice to the question of representation. We have taken the point on page 7 as a preliminary point, and if you will, we will go to the bottom of the page. "Government Responsibility.—His Majesty's Government consider that the Government of a State issuing invitations to a foreign country to participate in an international exhibition cannot free themselves from the responsibility of ensuring that foreign participants receive proper treatment at the hands of the promoters." That is to say, we want to put an end to the abuse of a Government issuing invitations, and then washing its hands of the result of an exhibition.

MR. KIRKPATRICK: What is the meaning of the word "State"?

CHAIRMAN: I take it it means Sovereign States—any Government issuing invitations.

MR. KIRKPATRICK: That means any country.

CHAIRMAN: Yes, any sovereign country.

MR. KIRKPATRICK: Suppose a State in Australia issued an invitation?

CHAIRMAN: But how would that be; would it not have to go through the Commonwealth?

MR. KIRKPATRICK: No, I think not.

SIR N. MOORE: We have had experience in this matter. Take the proposed exhibition in Japan—the Japanese Government wrote to the various States, and the various State Governments decided as to whether or not they would be represented. There the invitation came from the Government.

CHAIRMAN: Of course, in an international convention it would mean one Sovereign State having direct intercourse with another Sovereign State; and if you ask me as to the position of any one State in Australia, I suppose the invitation would have to go through the Secretary of State.

MR. KIRKPATRICK: It would come through the Colonial Office, surely?

SIR N. MOORE: But it would not go through the Commonwealth Government; it would go through the Government of the State. That is the difference between the Commonwealth of Australia and the Government of the Provinces of Canada—that the States of Australia have direct representation with the Government here.

CHAIRMAN: I do not want to trouble you, gentlemen, to go into the minute details of all these paragraphs; but the point with regard to Government responsibility we attach the utmost importance to. Then the next point is on page 8, the paragraph with regard to the safety of buildings. This paragraph is the result of the fire which occurred at the Brussels Exhibition, which called attention to the matter. Then the next paragraph is with regard to Customs procedure, which is really a matter of detail. All the countries participating give exemption with regard to Customs duties, and it is done sometimes in convenient and sometimes in inconvenient ways. We think that that is a matter for the parties to the Convention to consider as to what is best, but I do not think we need take it further in detail than that. I may say that we were not satisfied with the Turin method. Then with regard to the fourth illustration, as to railway facilities, that is a question as to whether we can get some understanding for a uniform system of railway facilities. That, I imagine, is somewhat difficult, because in the United Kingdom we have private railways, and we might not be able to reciprocate, with regard to those facilities, the accommodation provided by other countries. Then the fifth illustration is awards and the grievance as to awards.

SIR N. MOORE: With regard to the railway facilities, that raises a big point, because the States can reciprocate with regard to any railway facilities.

MR. KIRKPATRICK: What States?

SIR N. MOORE: The States which own their own railways. Of course, the Mother Country could not reciprocate in the same way, because the railways here are privately owned; whereas many of the States comprising the British Empire could reciprocate.

CHAIRMAN: Of course, we here might reciprocate by agreement with the railway companies. Then, on the question of awards, that is clearly a matter which requires international regulation.

Then the growth of the system of giving monopolies and concessions to people for the exclusive supply of refreshments is another point which ought to be settled.

Now, gentlemen, those really are the main practical points which present themselves for discussion; and it appears to me that in a great measure there is agreement amongst you as to the line which should be taken, apart from the question of any method of representation. If that is the case, it is perhaps unnecessary to deal with Part II., which is only putting in the shape of an answer to the German questions the principles which we have already run through. I do not know whether you think that we can usefully go into further details now. Of course, we are ready, on any of these matters which I have rapidly gone through, to hear any further observations, and we desire to do so.

MR. KIRKPATRICK: I suppose that you would like some practical result of this meeting recorded. Is it possible for us to carry any resolution, without committing our Governments, which can be forwarded to them as the result of this Conference which we have been instructed to attend?

SIR JOHN TAVERNER: I suggest that we should adjourn the matter in order to give the High Commissioner and Agents-General an opportunity—

MR. KIRKPATRICK: No; I object to that very strongly. My instructions are to confer with the Board of Trade.

MR. HURLEY: Is it quite understood that these are merely suggestions and that they are not to bind any State?

CHAIRMAN: No; it is only a question of the power to adhere to a Convention.

MR. HURLEY: It is not necessary for an individual State to submit the matter to the Commonwealth Government for the necessary approval—the approval can be given by the State. Do I understand that?

CHAIRMAN: That is a point which I do not think has been considered—I mean with regard to promoting any exhibition. The point I understand is, whether a State—it may be a State of Australia—which wants to organise an exhibition and to invite foreign exhibits, has to get the approval of the Commonwealth Government. I could not answer the question put like that, but I think not. I think it is rather a nice point.

MR. KIRKPATRICK: Would it not be possible for some resolution to be carried now, which we might communicate to our Governments? Generally, I could support a resolution that I approve of the suggestions of the Imperial Government in reference to this matter.

SIR JOHN TAVERNER: I should like it to be submitted to a meeting of the High Commissioners and Agents-General.

MR. KIRKPATRICK: No, they can take care of themselves, and are represented at this Conference.

CHAIRMAN: Then I suggest: "That those present at this meeting are in general agreement with the tenour of the Draft Instructions." That might be carried.

SIR JOHN TAVERNER: I should like to know if you are quite clear on the point that Mr. Harcourt did not expect the Agents-General and the High Commissioners to discuss the whole question.

SIR HARTMANN JEST: It was not present to the mind of the Secretary of State that there should be a meeting between you and the High Commissioners before we had this Conference.

CHAIRMAN: I understand that those present, then, are in general agreement with the tenour of the Draft Instructions?

SIR T. ROBINSON: With the reservations which we have heard.

CHAIRMAN: Quite so. Then I will take it that those present at this meeting are in general agreement with the tenour of the Draft Instructions.

Annexure.

29637/1911

The SECRETARY OF STATE FOR THE COLONIES to the GOVERNORS-GENERAL OF CANADA, COMMONWEALTH OF AUSTRALIA, the UNION OF SOUTH AFRICA, and the GOVERNORS OF NEW ZEALAND and NEWFOUNDLAND.

(Sent 6.20 p.m., 15th September, 1911.)

TELEGRAM.

With reference to Resolution 5 of Imperial Conference and discussion leading to it, Board of Trade are preparing statement of suggestions on question of international exhibitions, and consider that, if this is discussed in draft with High Commissioners of Dominions, result would be that it would embody views of Dominion Governments more fully than would be possible otherwise, and much time would be saved in correspondence.

I shall be glad if your Government will authorise [High Commissioner] [Newfoundland only: some representative] to discuss matters with Board of Trade accordingly.

[Commonwealth only.] A similar telegram is being addressed to Governors of States.—HARCOURT.

23361

No. 41.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 51.]

Sir,

Downing Street, 12 August, 1912.

With reference to the discussion respecting International Exhibitions at the Imperial Conference of 1911 (see Cd. 5745, pp. 170, 171), I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, the accompanying copy of correspondence* on the subject of the International Conference with regard to exhibitions which is to be held at Berlin in October next, together with copy of the Minutes† of the Meeting which took place on the 26th July between representatives of this Office, the Board of Trade, and the High Commissioners for the self-governing Dominions and the Agents-General for the Australian States.

2. Both during the actual proceedings of the Imperial Conference and in the Board of Trade Memorandum which was laid before the Imperial Conference (*vide* page 206 of Cd. 5746 (1)) an undertaking was given that arrangements would be made for the representation of the self-governing Dominions, if they so desired, at the International Conference to be held at Berlin.

3. Two questions arise out of this undertaking. The first is whether the Australian States (as distinguished from the Commonwealth) should be represented at the International Conference. The subject matter of the Conference is one which falls within the competence of the States but Sir E. Grey will observe that they are being informed that in accordance with established practice (as to which I am to refer to the letter from this Department of the 4th January, 1908‡) arrangements can be made for the representation of the Commonwealth only. The other question relates to the status of the Conference.

4. As regards this latter question, I am to point out that it will be necessary, if the self-governing Dominions desire to be represented at the Conference, to arrange that their representatives shall have full freedom both of discussion and action (subject, of course, to any instructions they may have received from their respective Governments) and consequently that they shall not enter the Conference on a different footing from the representatives of His Majesty's Government. If, therefore, the Conference is to be one of plenipotentiaries, there will be no alternative but to grant separate full powers to the representatives of the self-governing Dominions, as was done in the recent case of the Radio-telegraphic Conference.

5. Such a procedure would not present any difficulty if, as in the ordinary cases, where representatives of a self-governing Dominion or Dominions are given full

* Nos. 32, 33, in Dominions No. 39 and Nos. 35, 36, 37, 38, and 40.

† No. 98 in Australian No. 189

‡ Enclosure in No. 40.

powers for the purposes of negotiations with foreign States, His Majesty's Government and the self-governing Dominion or Dominions were at one as regards the object to be achieved, but in the present case it is necessary to bear in mind that there is considerable divergence between the interests of His Majesty's Government and those of the self-governing Dominions, and that this divergence may manifest itself during the course of the negotiations in actual differences of opinion between the various British plenipotentiaries.

6. In connexion with the recent Radio-telegraphic Conference, Mr. Harcourt pointed out (*vide* the letter from this Department of the 28th June*) the inconvenience of an arrangement under which holders of full powers from His Majesty might give conflicting votes at an International Conference, and he would be glad to learn whether Sir E. Grey shares his views on the point, and, if so, whether it will be possible to take any action which will prevent any such difficulty from arising in connexion with the Berlin Conference.

7. It has been suggested to Mr. Harcourt that a possible solution would be that the Conference should not be one of plenipotentiaries empowered to sign a formal Convention, but merely one of representatives of the various interested Governments authorised merely to ascertain whether a basis of agreement can be recommended by their respective Governments, and, if so, to submit their recommendations in the form of a draft Convention, which could be signed later by His Majesty's Ambassador as Plenipotentiary if its provisions were approved by His Majesty's Government.

8. Mr. Harcourt will be glad to receive Sir E. Grey's observations on this suggestion at an early date. If Sir E. Grey is prepared to submit it to the German Government, it will, of course, be advisable that the terms in which it is submitted should be quite general in character, and should make no allusion to the fact that it is connected with the question of the representation of the self-governing Dominions.

I am, &c.,

JOHN ANDERSON.

24442

No. 42.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 43.]

Sir,

Downing Street, 12 August, 1912.

With reference to your letter of the 2nd of July,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, the accompanying copy of further correspondence‡ on the subject of International Exhibitions.

I am, &c.,

JOHN ANDERSON.

27014

No. 43.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 26 August, 1912.)

[Answered by No. 44.]

Board of Trade (Commercial Department), Gwydyr House,

Sir,

Whitehall, London, S.W., 24th August, 1912.

I AM directed by the Board of Trade to acknowledge the receipt of your letter, 24442/1912, of the 9th August,§ enclosing copy of correspondence on the subject of the forthcoming Conference at Berlin on International Exhibitions.

The Board note from this correspondence that, in Mr. Harcourt's view, inconvenience might result from according full powers to those representatives of the self-governing Dominions who may attend the Conference. The Board are, however, disposed to think that there would be considerable difficulty in bringing about an alteration in the status of the Conference such as is suggested, and that, at all events,

* No. 336 in Dominions No. 39.

† No. 40 (draft), 24442: not printed, and No. 41 (draft).

‡ No. 35.

§ No. 42.

before any suggestions are advanced with a view to an alteration of the nature indicated, it would be desirable to await the decision of the Dominion Governments on the question whether they wish to be separately represented or not.

As Mr. Harcourt will be aware, the explanatory note appended for the information of the Dominion Governments to the copies of the draft instructions which were forwarded to them for their observations contained the suggestion that the interests of certain countries might best be served by their standing out of the proposed Convention altogether, and the Board consider it not improbable that some at least of the Dominion Governments may take this view and decide not to be represented at the Conference.

A copy of this letter is being sent to the Foreign Office.

I have, &c.,
GEO. J. STANLEY.

27014

No. 44.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 50.]

SIR,

Downing Street, 2 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th August,* on the subject of the forthcoming Conference at Berlin on International Exhibitions.

2. The Board of Trade will have learned from the Foreign Office that the 8th of October has now been fixed as the date for the assembling of this Conference. It was impossible to forward the minutes of the meeting of the 26th of July† to the Dominion Governments until the 9th of August, and the replies of the Commonwealth and State Governments and the Government of New Zealand cannot reasonably be expected till the second half of September at the earliest, by which time it would be too late to expect that arrangements could be made to alter the character of the Conference. Moreover, the difficulty of the position resulting from the grant of full powers would arise just as much if any single Dominion desires to be represented as if all the Dominions were represented.

3. In the circumstances, Mr. Harcourt considers, subject to any observations which the Foreign Office may have to offer, that steps should be taken forthwith to ascertain whether the German Government would accept the solution of the difficulty on the lines indicated in the letter from this Office to the Foreign Office of the 12th August.‡

4. A copy of this letter has been forwarded to the Foreign Office.

I am, &c.,
H. W. JUST.

27014

No. 45.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 51.]

SIR,

Downing Street, 2 September, 1912.

WITH reference to the letter from this Office of the 12th August,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of the reply§ which has been addressed to the letter from the Board of Trade of the 24th August,* on the subject of the forthcoming Conference at Berlin on International Exhibitions.

I am, &c.,
H. W. JUST.

* No. 43.

† Enclosure in No. 40.

‡ No. 41.

§ No. 44.

27245

No. 46.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF AUSTRALIA AND THE GOVERNORS OF THE AUSTRALIAN STATES AND NEW ZEALAND.

(Sent 6 p.m., 3 September, 1912.)

TELEGRAM.

[Answered by Nos. 52, 53, 56, 61 and 65.]

My Confidential despatch 6th July.* Important memorandum as to Conference on International Exhibitions, which will be held at Berlin, October 8th, sent to you in my Confidential despatch 9th August.† Shall be glad of reply by telegraph to these two despatches.—HARCOURT.

27245

No. 47.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL OF CANADA AND THE UNION OF SOUTH AFRICA AND THE GOVERNOR OF NEWFOUNDLAND.

(Sent 5.45 p.m., 3rd September, 1912.)

TELEGRAM.

[Answered by Nos. 48, 49 and 63.]

My despatches, Confidential, 6th July and 9th of August.‡ Conference on International Exhibitions will assemble Berlin, October 8th. Shall be glad to have early reply to despatches under reference.—HARCOURT.

28107

No. 48.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.8 p.m., 4th September, 1912.)

TELEGRAM.

[Copy to Board of Trade and Foreign Office, September 9, 1912. L.F.]

4th September, Confidential. Your telegram of 3rd September,§ International Exhibitions Conference. My despatch of 26th August, Confidential (2),|| covered minute from Ministers, in reply to your despatch of 6th July,* to the effect that they do not desire to be represented at the Conference, but are in agreement generally with line of action proposed to be taken by the delegates from the United Kingdom. I will endeavour to obtain answer to your despatch sent on 9th August† as soon as possible.—DE VILLIERS.

28158

No. 49.

NEWFOUNDLAND.

THE GOVERNOR to the SECRETARY OF STATE.

(Received 9.5 p.m., 4th September, 1912.)

TELEGRAM.

[Copy to Board of Trade and Foreign Office, September 9, 1912. L.F.]

Your telegram of 3rd September,§ International Exhibitions. My Ministers have no observations to make on the subject of your despatches,‡ and do not propose to take part in the Conference.—WILLIAMS.

* No. 36.

† No. 40.

‡ Nos. 36 and 40.

§ No. 47.

|| 29081: not printed.

28309

No. 50.

BOARD OF TRADE to COLONIAL OFFICE.

(Received September 7, 1912.)

[Answered by L.F. transmitting copies of Nos. 51 and 54.]

Board of Trade (Commercial Department), Gwydyr House,

Sir, Whitehall, London, S.W., 6th September, 1912.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of September 2nd (No. 27014),* on the subject of the representation of the Self-Governing Dominions at the forthcoming Conference at Berlin on International Exhibitions.

The Board note that in Mr. Harcourt's view it would be desirable, in order to obviate the difficulties which might arise in the event of any of the Dominion Governments expressing a desire to be separately represented, to ascertain without delay whether the German Government would consent to a reduction in the status of the Conference.

They fear, however, that it would be impracticable at this stage, when the majority of the foreign Governments who are participating in the Conference have already appointed their delegates, to approach the German Government with a view to the adoption of the measures suggested.

I have, &c.,

GEO. J. STANLEY.

28389

No. 51.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 9, 1912.)

[Copy to Board of Trade, September 13, 1912. L.F.]

[Answered by No. 54.]

Sir, Foreign Office, September 7, 1912.

With reference to your letter, No. 27014/1912, of the 2nd instant,† respecting the forthcoming Conference at Berlin on International Exhibitions, I am directed by Secretary Sir E. Grey to say, for the information of Mr. Secretary Harcourt, that, after due consideration, he fears that at this late hour there would be no possibility of inducing the German Government to agree to alter the status of the Conference as suggested in your letter of the 12th ultimo,‡ more especially as the majority, if not all, of the other Governments who propose to participate in the Conference have already appointed their representatives.

I am, &c.,

EYRE A. CROWE.

28723

No. 52.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.30 p.m., 10th September, 1912.)

TELEGRAM.

Your telegram 3rd September.§ My Ministers have no comments to make regarding memorandum enclosed in your Confidential despatch of 6th July.||

Your despatch, 9th August, Confidential.¶ My Ministers, after consultation with Commonwealth Ministers, are willing to be represented by latter's nominee.

Please cancel all first paragraph of my Confidential despatch of August 22nd** on arrival.—FULLER.

* No. 44. † No. 45. ‡ No. 41. § No. 46. || No. 36. ¶ No. 40. ** 30051: not printed.

28787

No. 53.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE

(Received 9.28 a.m., 11th September, 1912.)

TELEGRAM.

Your telegram of 3rd September, your despatch of 9th August, Confidential,* have been considered by my Ministers, who adhere to the view conveyed in my despatch of 26th August, Confidential,† namely, so far as direct representation of this State at the Conference during October is concerned, my Government is prepared to leave this question in hands of representative to be chosen by the Imperial Government.—STRICKLAND.

28389

No. 54.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, September 13, 1912. L.F.]

[Answered by No. 58.]

Sir,

Downing Street, 13 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th of September,‡ stating that it is too late to alter the status of the Conference at Berlin on International Exhibitions.

I am to enquire whether Mr. Harcourt is to assume that full powers should, in Sir E. Grey's view, be granted to any Dominion representative who may be appointed, and I am to suggest that, in view of the short time remaining before the Conference, the German Government should now be informed that there may be some Dominion representatives, and that it is presumed that invitations will be issued to them.

I am, &c.,

H. W. JUST.

29624

No. 55.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.15 a.m., 19th September, 1912.)

TELEGRAM.

[Copy to Foreign Office and Board of Trade, 21 September, 1912. L.F.]

Your despatch of 6th July, confidential.§ My Ministers advise that as questions to be raised at proposed International Conference concern Government of Commonwealth of Australia rather than State they do not propose to offer any observations on question.—CHELMSFORD.

29625

No. 56.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.40 a.m., 19th September, 1912.)

TELEGRAM.

[Copy to Foreign Office and Board of Trade, September 21, 1912. L.F.]

Your telegram of 3rd September,|| Conference on international exhibitions. Government of Queensland does not intend to be represented directly or indirectly.—MACGREGOR.

* Nos. 46 and 40.

† 30046: not printed.

‡ No. 51.

§ No. 36.

| No. 46.

29634

No. 57.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.37 a.m., 19th September, 1912.)

TELEGRAM.

[Copy to Foreign Office and Board of Trade, 21 September, 1912. L.F.]

Your despatches, 6th July and 9th August, Confidential.* My Government concur in draft instructions to delegates of His Majesty's Government, and also in the observations on agenda and on proposal of German Government covered by the despatch, and is content to be represented at the Conference on International Exhibitions by the delegates of the Imperial Government.—ISLINGTON.

30187

No. 58.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 25, 1912.)

[Answered by No. 64.]

SIR,

Foreign Office, 24th September, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 23389, of the 13th instant,† relative to the forthcoming Conference at Berlin on International Exhibitions. I am to say, for Mr. Secretary Harcourt's information, that if it is decided that the self-governing Dominions or some of them are to be specially represented at this Conference, and that they are, as stated in your letter, 23361, of the 12th ultimo,‡ to have full freedom of action and not enter the Conference on a different footing from the representatives of His Majesty's Government, Sir E. Grey is of opinion that the grant of full powers to any Dominion representative who may be appointed is as necessary in this case as in the case of the recent Radiotelegraphic Conference, seeing that the two Conventions are drawn up on the same lines.

I am to add that steps are being taken to explain the situation to the German Government, and to enquire whether they would be prepared to extend a separate invitation to any of the self-governing Dominions desiring to be represented at the Conference.

I am, &c.,

EYRE A. CROWE.

30336

No. 59.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 27, 1912.)

[Copy to Board of Trade, October 3, 1912. L.F.]

[Answered by No. 64.]

SIR,

Foreign Office, September 26th, 1912.

WITH reference to the letter from this Department of the 24th instant,§ relative to the forthcoming Conference on International Exhibitions at Berlin, I am directed by Secretary Sir Edward Grey to transmit to you, herewith, a copy of a telegram which has been received from His Majesty's Chargé d'Affaires at Berlin reporting the views of the German Government on the question of the participation in the Conference of representatives from the British self-governing Dominions.

In view of the short time available before the commencement of the Conference, Sir E. Grey proposes, if Mr. Secretary Harcourt concurs, to agree to the suggestion

* Nos. 36 and 40.

† No. 54.

‡ No. 41.

§ No. 58.

of the German Government that the question of the separate vote should be decided at the Conference itself.

I am, &c.,

EYRE A. CROWE.

Enclosure in No. 59.

Decypher of telegram from LORD GRANVILLE, Berlin. September 25th, 1912.

(No. 16. Commercial.)

Your despatch, Commercial, No. 104. Exhibitions Conference. German Government have no objection to participation of British self-governing Colonies with separate full powers, but think that question of separate vote should have been discussed with other Governments taking part. In view, however, of short time they suggest it should be decided at Conference itself.

Despatch follows by post to-day.

German Government have appointed eight plenipotentiaries.

30295

No. 60.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.21 a.m., 26th September, 1912.)

TELEGRAM.

[Copy to Board of Trade, 3 October, 1912. L.F.]

(Confidential.)

Your despatch 9th August.* Conference Berlin International Exhibitions. Government of Commonwealth of Australia concur in draft instructions to delegates His Majesty's Government, and do not desire to be separately represented at Conference. Government of Commonwealth of Australia understand that question of adherence of Australia to the Convention in the matter is reserved until full text of Convention is available, when decision will be arrived at after consultation with Governments of Commonwealth States.—DENMAN.

30394

No. 61.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.10 a.m., 27th September, 1912.)

TELEGRAM.

[Copy to Board of Trade, October 3, 1912. L.F.]

Your despatch 6th July, and your despatch 9th August, Confidential.† My Ministers will approve any action being taken by Government of Commonwealth of Australia.—BARRON.

30336

No. 62.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 30th September, 1912.)

TELEGRAM.

[See No. 63.]

My telegram 3rd September.‡ Other self-governing Dominions do not desire to be separately represented Conference on International Exhibitions.

Shall be glad of immediate reply from your Government as Conference will commence 8th October.—HARCOURT.

* No. 40.

† Nos. 36 and 40.

‡ No. 47.

30955

No. 63.

CANADA.

THE DEPUTY GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 1st October, 1912.)

TELEGRAM.

[Copy to Board of Trade, October 3, 1912. L.F.]

30th September. Your despatch 6th July, Confidential, and your despatch 9th August, Confidential,* Conference as to International Exhibitions at Berlin October 18th. My Ministers concur in draft instructions to delegates of His Majesty's Government, but consider that Canada comes within category of countries mentioned in paragraph 3 of page No. 2 of the explanatory note for information of Dominion Governments, and that for the present it is not necessary or desirable that Canada will be represented specially at the Conference.—DEPUTY GOVERNOR-GENERAL.

30955

No. 64.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, October 3, 1912. L.F.]

[Answered by No. 69.]

SIR,

Downing Street, 2 October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 24th and 26th of September,† on the subject of the forthcoming Conference on International Exhibitions at Berlin.

2. In reply I am to transmit to you, to be laid before Secretary Sir Edward Grey, copies of telegrams‡ from the Governors-General of Canada and the Commonwealth of Australia and the Governor of Tasmania, from which it will be seen that it is not proposed that Canada or the Commonwealth should be represented at the Conference. The Governments of New Zealand, the Union of South Africa, and Newfoundland have already stated that they do not desire to be represented, and it will, therefore, Mr. Harcourt would suggest, be sufficient to inform the German Government that none of the Governments of the self-governing Dominions desire to take part in the Conference, and that, therefore, the question of inviting them to be represented, and of their voting in the event of their being represented, no longer arises.

I am, &c.,
H. W. JUST.

31208

No. 65.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4.24 a.m., 3rd October, 1912.)

TELEGRAM.

Your telegram 3rd September.§ Government of South Australia concur in proposed instructions British delegates, but will not be represented Conference.—BOSANQUET.

* Nos. 36 and 40.

† Nos. 58 and 59.

‡ Nos. 63, 60, and 61.

§ No. 46.

32331

No. 66.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12 October, 1912.)

(Confidential.)

SIR, State Government House, Melbourne, 11th September, 1912.
In reply to your Confidential despatch of August 9th,* and in reference to my Confidential despatch to you of August 22nd,† on the subject of the forthcoming Conference in Berlin to discuss the subject of International Exhibitions, I have the honour to acknowledge the instruction conveyed in paragraph 2 of your despatch.

2. I, yesterday, brought to the notice of my Ministers the principles laid down in Lord Elgin's despatch, No. 1, of 3rd January, 1908,‡ and have the honour to inform you that they, in agreement with these principles, have cancelled the instructions already issued to the Agent-General for Victoria, and referred to in paragraph 1 of my Confidential despatch of August 22nd.†

3. After consultation with my Ministers and with the Prime Minister of the Commonwealth, I was able to inform you by telegram on the 10th instant§ that my Ministers fully consented to be represented at the Conference by the Commonwealth nominee.

4. It being impossible for consultation between the Governments of the Commonwealth and of the States, as suggested in paragraph 2 of your Confidential despatch of August 9th,* to take place in the time available, I ventured to send a copy of my telegram to you of the 10th instant§ to the Governor-General and the Governors of the other Australian States.

I have, &c.,
JOHN FULLER,
Governor.

(A copy of this despatch has been sent to the Governor-General.)

32487

No. 67.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 14 October, 1912.)

[Answered by No. 74.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 12th October, 1912.

SIR,

ADVERTING to previous correspondence on the subject of the forthcoming Conference at Berlin for the regulation of International Exhibitions, I am directed by the Board of Trade to transmit herewith, for Mr. Secretary Harcourt's information, copy of the Instructions|| to the British delegates at this Conference, which, as Mr. Harcourt will observe, is substantially the same as the draft Instructions enclosed in the Board's letter of the 2nd July.¶

I am further directed to say that the Board have had under consideration certain draft clauses for incorporation in any International Convention which may be agreed upon at this Conference, and I am to transmit to you, to be laid before Mr. Harcourt, drafts of two Articles which deal respectively (1) with the application of any Convention to Imperial or inter-Colonial Exhibitions; and (2) with the accession to the Convention of Colonies and self-governing Dominions.

Before, however, giving the British Delegates any further instructions upon these questions, the Board would be glad to learn whether Mr. Harcourt concurs in the terms of the draft Articles or has any observations to make with regard to them.

I have, &c.,
GEO. J. STANLEY.

* No. 40.

† 30051: not printed.
‡ Not reprinted.§ No. 96 in Australian No. 189.
¶ No. 35.

§ No. 52.

Enclosure 2 in No. 67.

A.

Notwithstanding anything contained in this Convention any of the High Contracting Parties shall be at liberty to participate in any exhibition held within its own Colonies, Possessions, Dependencies, or Protectorates.

In the event of the Government of any Colony, Possession, Dependency, or Protectorate acceding to this Convention such Government shall have complete freedom of action in regard to participation in any exhibition held within the territories of the State of which it forms part.

B.

The contracting countries have the right of acceding to the present Convention at any time on behalf of their Colonies, Possessions, Dependencies, or Protectorates, or of any of them.

For this purpose they may either make a general declaration, including all their Colonies, Possessions, Dependencies, and Protectorates in the accession, or may expressly name those included or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Imperial German Government and by the latter to all the other countries.

Under the same conditions the High Contracting Parties may denounce the Convention on behalf of their Colonies, Dependencies, Possessions, Protectorates, or of any of them.

32511

No. 68.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14 October, 1912.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 23 September, 1912.
I HAVE the honour to transmit to you herewith, with reference to my telegram of the 20th September,* a copy of Minute, No. 828, from Ministers, dated 20th September, 1912, on the subject of the forthcoming Conference on International Exhibitions.

I have, &c.,
DE VILLIERS,
Acting Governor-General.

Enclosure in No. 68.

(Minute No. 828.)

20 September, 1912.

With reference to Confidential Minute, No. 3/1045, of the 4th instant and annexure from His Excellency the Officer Administering the Government, relative to the forthcoming Conference on International Exhibitions, Ministers have the honour to state, for the information of the Secretary of State for the Colonies, that they have no observations to offer upon the points discussed in the enclosure to his despatch, Union of South Africa, Confidential (2), of 9th ultimo.†

LOUIS BOTHA.

* 29731 : not printed.

† No. 40.

32590

No. 69.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15 October, 1912.)

[Answered by No. 73.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a telegram which has been received from His Majesty's Chargé d'Affaires at Berlin respecting the Exhibitions Conference, Berlin, October, 1912.

The Secretary of State would be glad to be advised what answer should be returned to Lord Granville.

Reference to previous letter :—Colonial Office, October 2, 1912 (30955/12).*

Foreign Office,

October 15, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 69.

TELEGRAM FROM LORD GRANVILLE, Berlin.

(Decypher.)

October 14. Unnumbered. Urgent. Following for Exhibitions Branch of the Board of Trade. German Government propose to insert in the Convention Article 12 of Radio-telegraphic Convention.

Further Conferences are foreseen, and the principle appears reasonable. Please telegraph as soon as possible whether we are authorised to agree.

32795

No. 70.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 16 October, 1912.)

[Answered by No. 74.]

SIR, Board of Trade (Commercial Department), Gwydyr House, Whitehall, London, S.W., 16th October, 1912.
I AM directed by the Board of Trade to state, for Mr. Secretary Harcourt's information, that they have received from the Foreign Office copy of a telegram from His Majesty's Embassy at Berlin with reference to a proposal made by the German Government to insert in the Convention relating to International Exhibitions which is now being drawn up a clause identical in terms with those of Article XII. of the Radio-Telegraphic Convention. They understand that a copy of this telegram† has also been sent to your Department.

I am to transmit, herewith, copy of a letter which the Board have addressed to the Foreign Office on this subject.

I have, &c.,
GEO. J. STANLEY.

Enclosure in No. 70.

Board of Trade (Commercial Department), Gwydyr House, Whitehall, London, S.W., 16th October, 1912.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 14th October, transmitting copy of a telegram from His Majesty's Embassy at Berlin with reference to a proposal made by the German Government to insert in the

* No. 64.

† Enclosure in No. 69.

Convention relating to International Exhibitions which is now being drawn up, a clause identical in terms with those of Article XII. of the Radio-Telegraphic Convention.

In reply, I am to suggest, for Sir E. Grey's consideration, that a reply on the lines of the accompanying draft telegram might be sent to His Majesty's Embassy for the information of the British delegates at the Conference now proceeding.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

You can agree in principle to the inclusion of an Article on the lines of Article 12 of the Radio-Telegraph Convention, but it seems unnecessary to insert in the Convention the list of countries specified in paragraph 4, and such insertion would give rise to criticism and even ridicule, having regard to the objects of the present Convention. Moreover, in view of the abstention of our self-governing Dominions it would be necessary to add the names of a number of groups of Crown Colonies in order to ensure our always having six votes.

The omission of all mention of the self-governing Dominions will certainly arouse criticism, but on the other hand there might be objection from other countries to including more than five groups.

In the circumstances, and until we know which of the self-governing Dominions, if any, wish to adhere to the Convention, it seems best to confine the proposed article to the first three paragraphs of Article 12 of the Radio-Telegraphic Convention.

32868

No. 71.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 17 October, 1912.)

[Answered by No. 72.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a telegram which has been received from His Majesty's Chargé d'Affaires at Berlin, respecting the Exhibitions Conference at Berlin, October, 1912.

The Secretary of State would be glad to be advised what answer should be returned to Earl Granville.

Reference to previous letter :—To Colonial Office, October 15.*

Foreign Office,
October 17, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 71.

EARL GRANVILLE to SIR EDWARD GREY.

(Commercial.)

Berlin, October 16, 1912.

Following for Exhibitions Branch of Board of Trade from Mr. Wintour :—

"Reply urgently required to my telegram of 14th October respecting Article 12 of Radio-telegraphic Convention. Question came up for discussion to-day and had to be postponed. German delegation propose also to insert Article 16 of Radio-telegraphic Convention at end of Article 25 of German Convention. May I agree?"

* No. 69.

32868

No. 72.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 19 October, 1912. L.F.]

Downing Street, 17 October, 1912.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th instant,* enclosing copy of a telegram from His Majesty's Chargé d'Affaires at Berlin from which it appears that the German delegates at the Conference for the regulation of International Exhibitions have proposed that Article 16 of the Radio-telegraphic Convention should be inserted at the end of Article 25 of the draft Convention prepared by the German Government.

2. As Article 25 of the German draft already covers the same ground as the first three paragraphs of Article 16 of the Radio-telegraphic Convention, Mr. Harcourt assumes that what is proposed is the addition of the fourth paragraph of Article 16 of the Radio-telegraphic Convention to Article 25 of the German draft. To such a proposal Mr. Harcourt has no objection, but he would wish that the wording should be altered so as to bring it into accord with the form of Colonial Article which he has suggested to the Board of Trade—

(1) By the insertion, if the Convention is signed in English, of the word "Dominions" before the word "Colonies" (twice recurring).

(2) By the insertion after the word "de" in line 2 of the words "ce Gouvernement pour."

3. A separate letter† has been addressed to you in regard to the proposal of the German delegates that the Convention should also include an article on the lines of Article 12 of the Radio-telegraphic Convention.

4. A copy of this letter is being sent to the Board of Trade.

I am, &c.,
H. W. JUST.

32590

No. 73.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 76.]

Downing Street, 17 October, 1912.

SIR,

IN reply to your letter of the 15th instant,‡ I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir E. Grey that he is opposed to the adoption of the proposal of the German Government that the Convention relative to International Exhibitions now being negotiated at Berlin should include an article on the lines of Article 12 of the Radiotelegraphic Convention, 1912.

2. The self-governing Dominions have all declined the offer to take part in the present Conference, and it is very doubtful whether they will adhere to the Convention now being negotiated, but His Majesty's Government are not entitled to assume that any of them will refuse to adhere. The Government of the Commonwealth of Australia have indeed expressly reserved the question of adhering for future consideration. It would, therefore, be necessary, if the proposal of the German Government were adopted, to provide for the contingency of all the self-governing Dominions deciding to adhere, and for their being assigned votes if they so decide. If any of the self-governing Dominions should decide not to adhere, the British Empire would enter the next Conference with a correspondingly smaller number of votes, which, under the German proposal, would be given only in respect of adhering Colonies, &c., unless His Majesty's Government reserved the right to assign the votes which would have been given to the self-governing Dominions if they adhered to the Crown Colonies and Protectorates.

3. But even if it could be arranged that His Majesty's Government should be allowed to allocate at their discretion the five additional votes assignable to British "countries" the proposal of the German Government would still not be acceptable to Mr. Harcourt. The interests of the self-governing Dominions in the matter of exhibitions differ widely from those of His Majesty's Government. It is, therefore,

* No. 71.

† No. 73.

‡ No. 69.

doubtful, as stated above, whether they will adhere to the Convention now being negotiated. Should any decide not to adhere they would not be able, under the German proposal, to take part in future Conferences. Mr. Harcourt cannot acquiesce in an arrangement which would, in effect, penalise the non-adhering Dominions for their decision not to adhere to the Convention now being negotiated by excluding them from future negotiations.

4. Mr. Harcourt's objections to the German proposal, however, go beyond this. He is of the opinion that for the purposes of International Conferences the self-governing Dominions should, as far as possible, be treated on the same footing as any participating foreign Power, and he sees no reason why any self-governing Dominion which may desire to take part in future Conferences on exhibitions should be expected to enter such Conferences with fewer votes than an individual foreign Power. In these circumstances he would urge that the British negotiators at Berlin should be instructed to endeavour to secure the acceptance of an arrangement under which any self-governing Dominion, whether adhering or not to the Convention now being negotiated, should, if it desires to participate in future Conferences, have as many votes as any foreign Power.

5. A copy of this letter has been forwarded to the Board of Trade, and I am to take the opportunity of transmitting, for the information of Sir E. Grey, copy of a correspondence* with that Department relative to the application of the Convention now being negotiated to Imperial or intercolonial exhibitions, and to the accession of the self-governing Dominions, Colonies, &c. As regards the form of "Colonial" clause to be inserted in the Convention, I am to refer to the letter from this Department of the 16th March, replying to your letter of the 8th of January.†

I am, &c.,
H. W. JUST.

32590

No. 74.
COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 75.]

SIR, Downing Street, 17 October, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 12th and the 16th instant,‡ relative to the Conference for the Regulation of International Exhibitions now sitting at Berlin.

2. Mr. Harcourt concurs in the terms of the draft Articles forwarded in your letter of the 12th instant, subject to the alterations shown in red ink in the enclosed copy.§

3. As regards the proposal of the German Government that an Article should be added to the Convention now being negotiated, on the lines of Article 12 of the Radio Telegraphic Conference, I am to enclose, for the information of the Board of Trade, copy of a letter|| which has been addressed to the Foreign Office on the subject, from which it will be seen that Mr. Harcourt is opposed to the adoption of the proposal. The modifications suggested by the Board in the draft telegram enclosed in your letter of the 16th instant do not remove all Mr. Harcourt's objections.

I am, &c.,
H. W. JUST.

Enclosure in No. 74.

A.

Notwithstanding anything contained in this Convention any of the High Contracting Parties shall be at liberty to participate in any exhibition held within its own Dominions, Colonies, Possessions, or Protectorates.

In the event of any of the High Contracting Parties acceding to this Convention in respect of any Dominion, Colony, Possession, or Protectorate, the Government of such Dominion, Colony, Possession, or Protectorate shall have complete freedom of action in regard to participation in any exhibition held within the territories of such High Contracting Party.

* Nos. 67 and 74.
‡ Revised copy is printed: original version is Enclosure 2 in No. 67.

† 902: not printed.

‡ Nos. 67 and 70.
[No. 73.]

B.

The High Contracting Parties have the right of acceding to this Convention at any time in respect of their Dominions, Colonies, Possessions, or Protectorates, or of any of them.

For this purpose they may either make a general declaration, including all their Dominions, Colonies, Possessions, and Protectorates in the accession, or may expressly name those included or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Imperial German Government, and by the latter to all the other countries.

Under the same conditions the High Contracting Parties may at any time terminate the Convention separately in respect of their Dominions, Colonies, Possessions, Protectorates, or of any of them, on giving twelve months' notice in writing to that effect to the Imperial German Government. The provisions of this Article and of the foregoing Article A relating to Dominions, Colonies, Possessions, and Protectorates apply also to the Island of Cyprus.

33089

No. 75.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 19 October, 1912.)

[Answered by No. 78.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 18th October, 1912.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 17th October (No. 32590),* with further reference to certain Articles proposed to be inserted in the International Convention relating to exhibitions now being prepared by the International Conference at Berlin.

In reply I am to say that the Board concur in the alterations noted in red ink in the enclosures A and B in your letter, subject to the omission of the reference in the latter to the Island of Cyprus. The Board are of opinion that it would be impolitic to endeavour to include a provision of this sort in an International Convention, and are disposed to suggest that, if Mr. Harcourt deems it desirable to make clear the position of Cyprus in relation to exhibitions, this could probably best be done by the British delegates being authorised to make a declaration affecting the point at the time of signature of the Convention.

With regard to the other matter referred to in your letter I am to enclose, for Mr. Harcourt's information, copy of a revised draft telegram which the Board have caused to be forwarded to the Foreign Office for transmission to the British delegates at Berlin. It is understood that the Colonial Office concur in the terms of this revised draft.

I have, &c.,
GEO. J. STANLEY.

Enclosure in No. 75.

You can agree in principle to the inclusion of an article on the lines of the first three paragraphs of Article XII. of the Radio-Telegraphic Convention provided that the participation in future conferences of non-adhering countries is made possible. It seems unnecessary, however, to insert in the Convention the list of countries specified in paragraph 4 as such insertion would give rise to criticism and even ridicule. Moreover, in view of the abstention of our self-governing Dominions, it

* No. 74.

would be necessary to add the names of a number of groups of Crown Colonies in order to ensure our always having six votes.

As the interests of the self-governing Dominions may differ from those of the United Kingdom, you should press for admission of the principle that those of them which may in future adhere to the Convention and desire to be represented at future conferences shall have separate delegates and voting power apart from the six votes claimed by the United Kingdom. The number of votes to be accorded to any self-governing Dominion desiring to participate may be the subject of discussion when future conferences meet.

33219

No. 76.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 October, 1912.)

[Answered by No. 77.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a telegram, No. 18, Commercial, dated October 20th, from Lord Granville, Berlin, on the subject of the Exhibitions Conference, Berlin.

Reference to previous letter: Colonial Office, October 17.*

Foreign Office,
October 21, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 76.

DECYPHER TELEGRAM FROM LORD GRANVILLE, Berlin, to FOREIGN OFFICE, dated October 20th, 1912.

No. 18. Commercial. Your telegram, No. 13, Commercial. Exhibition Conference. British delegates have conveyed privately to German President of Conference instructions respecting votes. President now suggests that present Convention should provide only for adherence or denunciation of any Colony in terms of Article 1 (16) of Radiotelegraphic Convention as modified according to your telegram, No. 12, Commercial, leaving out all mention of voting power. I am strongly of opinion that this is wisest course, as a second Conference is not certain and adherence of Colonies very doubtful. I learn that every effort has been made by Conference, and especially by German Delegation, to meet wishes of His Majesty's Government on other points, so I think that it would be a pity to raise this question of votes now, which is sure to meet with greatest opposition and which can be discussed at leisure if the occasion arises.

33219

No. 77.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 21 October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st instant,† relative to the Conference on International Exhibitions,

* No. 73.

† No. 76.

and to state, for the information of Secretary Sir E. Grey, that he raises no objection to the British delegates being authorised to accept the proposal of the President that the Convention now being negotiated should make no provision as regards voting at future Conferences.

2. The terms in which, in Mr. Harcourt's opinion, provision should be made for adherence in respect of Colonies, &c., were set out in the letter from this Department to the Board of Trade of the 17th instant* of which a copy was forwarded to the Foreign Office in the letter from this Department of the same date.† The Board of Trade have subsequently been informed that the position of Cyprus under the proposed Convention may be dealt with by a Declaration made at the time of signature, instead of including a reference to the island in the Colonial Article itself.

I am, &c.,
H. W. JUST.

33219

No. 78.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 21st October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th instant,‡ relative to the Conference on International Exhibitions, and to state, for the information of the Board of Trade, that the mention of Cyprus in the amended draft Colonial Article enclosed in the letter from this Department of the 17th October* was intended to serve only as a reminder that the case of that island would require separate provision in order to enable His Majesty's Government to adhere in respect of it to the Convention now being negotiated. He has no objection to the adoption of the Board's suggestion that this provision should be made by means of a Declaration at the time of signature rather than in the Colonial Article itself.

2. I am to enclose a copy of a letter§ which has been addressed to the Foreign Office with regard to the further telegram from Earl Granville (No. 18, Commercial, of the 20th instant||), reporting the result of the representations made by the British delegates relative to voting at future Conferences.

I am, &c.,
H. W. JUST.

37835

No. 79.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 29 November, 1912.)

[Answered by No. 80.]

(Confidential.)

Board of Trade (Commercial Department), Gwydyr House,

SIR,

Whitehall, London, S.W., 27th November, 1912.

WITH reference to previous communications which have passed between this Department and the Colonial Office with regard to the Convention respecting International Exhibitions recently signed at Berlin, I am directed by the Board of Trade to ask you to be good enough to direct Mr. Secretary Harcourt's attention to Article 31 of this Convention, copy of which is enclosed herewith.

Under paragraph 1 of this Article, as Mr. Harcourt will observe, His Majesty's Government retains the right to participate in any British Colonial Exhibition, whether it complies with the conditions laid down in the Convention or not.

In order to maintain the principle of this paragraph, which was proposed by the British delegates at the Conference, those delegates found it impossible to resist the

* No. 74.

† No. 73.

‡ No. 75.

§ No. 77.

|| Enclosure in No. 76.

inclusion in the Convention of a supplementary proposal reserving the right of other contracting countries to take part, should they be invited to do so, in any exhibition in the British Colonies in which this country may participate. Paragraph 3 of the article accordingly provides for this.

The Board feel that there is a possibility that the reservations contained in this Article may lead to political pressure being brought to bear to secure the participation of the United Kingdom, and, through the United Kingdom, of other countries, in exhibitions in the Colonies which do not conform to the conditions of the Convention. In order, therefore, to avoid any future misunderstanding on this subject, I am to state that, as a matter of policy, the Board will in general be indisposed to recommend the Treasury to make a financial grant in aid of the participation of this country in any exhibition in the Colonies which fails to comply substantially with the general conditions of the Convention.

They further desire me to express the hope that Mr. Harcourt will be disposed to adopt a similar attitude in the event of any Colonial Government pressing His Majesty's Government to accept an invitation to take part in any such Colonial exhibition with a view thereby to secure the official participation of other parties to the Convention.

I have, &c.,
H. LLEWELLYN SMITH.

Enclosure in No. 79.

Article 31.

Chaque pays contractant conserve la liberté d'organiser des participations, conformes ou non aux dispositions de la présente convention, dans toute exposition qui a lieu dans ses colonies, possessions, dépendances et protectorats.

Lorsqu'un des pays contractants a fait usage du droit d'accession prévu à l'article 30 pour l'une de ses colonies, possessions, dépendances ou pour l'un de ses protectorats, le gouvernement de cette colonie, possession, dépendance ou de ce protectorat conserve la liberté d'organiser une participation, conforme ou non aux dispositions de la présente convention, à toute exposition qui a lieu dans ce pays contractant ou dans ses autres colonies, possessions, dépendances et protectorats.

Dans le cas de participations visées aux alinéas précédents, les autres pays contractants qui seraient invités aux susdites expositions conservent de leur côté toute liberté d'y donner leur adhésion et d'y organiser des participations dans les mêmes conditions.

Mais il reste entendu que les expositions mentionnées au présent article qui seraient organisées sur le propre territoire des pays contractants demeurent régies par les dispositions de la présente convention, si elles admettent des participations étrangères.

37835

No. 80.

COLONIAL OFFICE to BOARD OF TRADE.

(Confidential.)

SIR,

Downing Street, 5 December, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th ultimo,* calling attention to the provisions of Article 31 of the Convention respecting International Exhibitions recently signed at Berlin, and stating the attitude which the Board of Trade propose to adopt in the event of His Majesty's Government being pressed to participate in exhibitions in the Colonies which do not conform to the conditions of the Convention.

2. In reply I am to state that, while reserving to himself the right to consider

* No. 79.

each case on its merits as it arises, Mr. Harcourt is in general accord with the Board of Trade in this matter.

I am, &c.,
H. W. JUST.

38508

No. 81.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 82 and 87. Canada, Union of South Africa, and Newfoundland replied, expressing intention not to adhere.]

(Canada. No. 854.)

(Union of South Africa. No. 604.)

(Australia. No. 532.)

(Newfoundland. No. 255.)

(New Zealand. No. 377.)

SIR,

MY LORD,

Downing Street, 13 December, 1912.

WITH reference to previous correspondence, I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of the Convention* respecting International Exhibitions signed at Berlin on the 26th October, together with copies of the Protocol* to the Convention.

2. I should be glad to learn, with reference to Article 30 of the Convention, whether, in the event of the Convention being ratified by His Majesty, your Ministers would desire that notification of adherence should be made in respect of [Canada] [the Commonwealth of Australia] [New Zealand] [the Union of South Africa] [Newfoundland].

I have, &c.,
L. HARCOURT.

19270

No. 82.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7 June, 1913.)

(No. 63.)

Government House, Wellington,

SIR,

1st May, 1913.

WITH reference to your despatch, No. 377, of the 13th December, 1912,† on the subject of the Convention respecting international exhibitions signed at Berlin on the 26th October, 1912, I have the honour to inform you, in reply to paragraph 2 of your despatch, that, in the event of the Convention being ratified by His Majesty, my Government desire that notification of adherence be made in respect of New Zealand.

I have, &c.,
LIVERPOOL,
Governor.

18011

No. 83.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 84 and 86.]

SIR,

Downing Street, 10 June, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th ultimo,‡ forwarding copies of the English translation of the

* Not reprinted.

† No. 81.

‡ 18011: not printed.

Convention and Protocol signed at Berlin in October last respecting international exhibitions, and of the report and memorandum prepared by the British delegates at the Conference.

2. Copies of these documents are being sent to the Governments of the self-governing Dominions with a request that the report and memorandum may be treated as confidential.

3. Mr. Harcourt observes that the word "pour" in the Colonial [Article] (No. 30) of the Convention is translated as "on behalf of." As Sir E. Grey is aware from previous correspondence, Mr. Harcourt would desire that when an international instrument containing a Colonial Article is signed in English, the Colonial Article should provide for adherence or accession "in respect of," and not "on behalf of," the Colonies, &c. When it is signed in French, Mr. Harcourt does not object to the use of the word "pour," but he would prefer that "pour" should be translated "in respect of," if that is permissible; otherwise "for."

I am, &c.,
H. W. JUST.

20780

No. 84.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received June 19, 1913.)

Sir, Foreign Office, June 18, 1913.
With reference to your letter 18011/1913, of the 10th instant,* relative to the Convention and Protocol signed at Berlin in October last on the subject of international exhibitions, I am directed by Secretary Sir Edward Grey to state that the alterations desired by Mr. Secretary Harcourt in the English translation of the Colonial Article (No. 30) will be made when the instrument is eventually published in the Treaty series of Parliamentary Papers.

The translation of the Convention and Protocol enclosed in my letter of the 27th ultimo† was received from the Board of Trade, who are being informed of Mr. Harcourt's wishes on the point raised.

I am, &c.,
A. LAW.

19270

No. 85.

COLONIAL OFFICE to BOARD OF TRADE.

Sir, Downing Street, 21 June, 1913.
With reference to the letter from this Department of the 2nd April,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, a copy of a despatch§ from the Governor of New Zealand, stating that, in the event of the International Exhibitions Convention signed at Berlin 26th October, 1912, being ratified by His Majesty, his Government desire that notification of adherence may be made in respect of New Zealand.

2. I am to observe that copies of the report and memorandum prepared by the British delegates at the Conference were sent to the Government of New Zealand by the mail of the 13th instant, and to suggest that the decision of the Dominion Government should not be treated as final for the present.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 83.

† 18011 : not printed.

‡ 19178 : not printed.

§ No. 82.

25546

No. 86.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24 July, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a letter from the Board of Trade, dated July 3, 1913, respecting the Exhibitions Convention, Berlin, 1912.

Reference to previous letter: From Colonial Office, No. 18011/1913, June 10, 1913.*

Foreign Office,
July 23, 1913.

Enclosure in No. 86.

Sir, Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 3rd July, 1913.
I AM directed by the Board of Trade to acknowledge the receipt of your letter of June 19th, enclosing copies of correspondence with the Colonial Office on the subject of the translation of the International Exhibitions Convention signed at Berlin on October 26th, 1912.

The Board note, with regard to the inclusion of "Colonial" Articles in International Instruments, that it is Mr. Harcourt's wish that such Articles should provide for adherence or accession "in respect of" and not "on behalf of" Colonies, &c., and that if the word "pour" is used in the French text, it should be translated accordingly.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

41936

No. 87.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.50 a.m., 5th December, 1913.)

TELEGRAM.

[Copy to Foreign Office and Board of Trade, 16 December, 1913. L.F.]

[Answered by No. 88.]

Your despatch, 13th December, No. 582, 1912; your despatch, 10th June, No. 334.† International Exhibitions. Opinions of State Governments as to advisability of adhering to Conference do not agree. Prime Minister is of opinion that uniformity should be arrived [at] before answering these despatches, and suggests that matter stands over till next Premiers' Conference; date not fixed yet—DENMAN.

* No. 83.

† No. 81 and 18011 : not printed.

41936

No. 88.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4 p.m., 13th December, 1913.)

TELEGRAM.

[Copy to Foreign Office and Board of Trade, 16 December, 1913. L.F.]

Your telegram 5th December.* International Exhibitions. No objection to postponement of decision.—HARCOURT.

* No. 87.

4.

(RESOLUTION VI): VISITS OF CIVIL SERVANTS.

41624

No. 89.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 740.)
(New South Wales. No. 201.)
(Queensland. No. 137.)
(Victoria. No. 146.)

(South Australia. No. 125.)
(Western Australia. No. 133.)
(Tasmania. No. 118.)
(New Zealand. No. 482.)

[My Lord]

Downing Street, 5 December, 1913.

[Sir],

I HAVE the honour to inform you that Sir Hartmann Just, the Assistant Under-Secretary of State concerned with the affairs of the self-governing Dominions and Secretary to the Imperial Conference, will, by my instructions, shortly leave on a visit to Australia and New Zealand.

The visit has the same object as that of Sir Charles Lucas in 1909, and is in pursuance of the generally accepted view that it is of advantage that there should be opportunity from time to time for members of the permanent staff of the Colonial Office to acquire personal knowledge of the Dominions.

It is proposed that he shall travel by way of Cape Town, leaving London on February 7th, and arriving at Albany on March 13th, and that he shall visit Perth, Adelaide, Melbourne, Tasmania, New Zealand, Sydney, Brisbane in the order named, returning from Australia about the end of June.

I desire to commend him to your good offices, and to ask you to give him every facility for fulfilling the purpose of his visit.

I have, &c.,
L. HARCOURT.

(RESOLUTION VII.): EMIGRATION.

20268

No. 90.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received July 1, 1912.)

[Copy to Board of Trade, July 12, 1912, and to Emigrants' Information Office,
3rd December, 1912. L.F.]

(No. 65.)

Government House, Dominion of New Zealand,

SIR,

Wellington, 22nd May, 1912.

WITH reference to your despatch, No. 44, of the 7th February,* on the question of the co-operation of my Government with the labour exchanges in the United Kingdom in connection with the notification of vacancies and applications for employment, I have the honour to transmit to you the accompanying copy of a memorandum, dated 29th April, received by me on the 22nd May, from my Prime Minister, stating that the matter will be carefully considered by my Government, and that, should it be deemed advisable to take advantage of the opportunity afforded by the British labour exchanges, steps will be taken on the lines suggested in the correspondence which accompanied your despatch.

I have, &c.,

ISLINGTON,

Governor.

Enclosure in No. 90.

PRIME MINISTER to GOVERNOR.

MEMORANDUM for HIS EXCELLENCY THE GOVERNOR.

(No. 829/12.)

Prime Minister's Office,

Wellington, April 29th, 1912.

The Prime Minister presents his compliments and desires to inform His Excellency that the contents of the attached despatch have been duly noted.

The question of co-operation with the British labour exchanges for the supply of labour to our employers is one of considerable importance to the Dominion and will be carefully considered by the Government. Should it be deemed advisable to take advantage of the opportunity afforded by the British labour exchanges, steps will be taken on the lines suggested in the correspondence.

THOS. MACKENZIE,

Prime Minister.

20365

No. 91.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received July 1, 1912.)

[Copy to Local Government Board, July 8, 1912. L.F.]

[Answered by No. 98.]

(No. 29.)

SIR,

Government House, Adelaide, 28 May, 1912.

WITH reference to your despatch, No. 34, of 27th March last,† I have the honour to report that my Ministers acquaint me that the emigration policy indicated

* No. 58 in Dominions No. 29.

† No. 62 in Dominions No. 29.

by the resolution of the Imperial Conference is in accord with that of the present Government of the State of South Australia.

I have, &c.,
DAY H. BOSANQUET,
Governor.

18710

No. 92.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 446.)	(Western Australia. No. 79.)
(Australia. No. 278.)	(Tasmania. No. 67.)
(New South Wales. No. 97.)	(New Zealand. No. 192.)
(Victoria. No. 87.)	(Union of South Africa. No. 318.)
(Queensland. No. 76.)	(Newfoundland. No. 131.)
(South Australia. No. 72.)	

[SIR] [MY LORD],
Downing Street, 3 July, 1912.

With reference to

[my despatch, No. (217) (137), of the 27th March last*],
[your despatch, No. 46, of the 14th of May†],
[my despatch, No. (38) (38) (34) (36), of the 27th of March last*],
[your despatch, No. 17, of the 8th of May‡],
[my despatch, No. (94) (152) (58), of the 27th of March last*].

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers.

[To all except New South Wales and Tasmania: the accompanying copies of despatches§ from the Governors of New South Wales and Tasmania]

[To New South Wales: the accompanying copy of a despatch† from the Governor of Tasmania]

[To Tasmania: the accompanying copy of a despatch† from the Governor of New South Wales]

on the subject of the resolution of the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries.

I have, &c.,
L. HARCOURT.

21935

No. 93.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 13 July, 1912.)

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

[Answered by No. 105.]

(No. 434.)

SIR,
Governor-General's Office, Cape Town, 26th June, 1912.
I have the honour to transmit to you herewith, with reference to your despatch of 7th February, No. 60, a minute, No. 571, from Ministers, on the subject of the utilization of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom.

I have, &c.,
GLADSTONE,
Governor-General.

* No. 62 in Dominions No. 39.

† No. 65 in Dominions No. 39.

‡ No. 66 in Dominions No. 39.

§ Nos. 65 and 66 in Dominions No. 39.

[No. 58 in Dominions No. 39]

Enclosure in No. 93.

(571.)

Cape Town, 26th June, 1912.

With reference to His Excellency the Governor-General's minute, No. 13/561, dated the 29th February, 1912, forwarding a copy of a despatch, No. 60, from the Right Honourable the Secretary of State for the Colonies on the subject of the utilization of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment and applications of persons for employment as between the Dominions and the United Kingdom, Ministers have the honour to inform His Excellency the Governor-General that they are of opinion that, while on the one hand the proposals set out in the despatch under reply have much to recommend them, on the other hand they consider that the labour conditions at present existing in the Union are not such as to give full scope to the primary duties for which the Labour Exchanges were established.

Up to the present time there has been no serious difficulty in finding all the necessary labour required in South Africa except, perhaps, in the case of expert tradesmen, for which there is only a limited demand, and the presence of a large native and coloured population makes the position of South Africa very different to that of the other Dominions.

Ministers wish to draw attention to the passage in the letter of the Board of Trade which refers to the fact that notifications of individual vacancies are from time to time received by the Labour Exchanges. They are of opinion that in the interests of both employer and applicant the genuineness of all transactions of this kind should be enquired into by the Labour Exchange, and they are of opinion that it is in this respect that an interchange of information between the officials in the United Kingdom and South Africa may be of great assistance.

Complaints have been received from time to time that advertisements are inserted in the English Press offering work to tradesmen in South Africa when there is no scarcity of labour on the spot; it is alleged that this is done with a view to flooding the country with workmen in order to reduce the current rate of wages.

Ministers would, therefore, recommend to the favourable consideration of the Board of Trade officials the publication of a notice at all Labour Exchanges throughout the United Kingdom warning intending emigrants against accepting positions in South Africa unless they are obtained through the Exchanges, and particularly advising females, who may have what appear to be tempting offers made to them, that unless they have personal knowledge of the persons who have made the offer they should ask the officials of the nearest Labour Exchange to cause investigations to be made into the genuineness of the offer.

LOUIS BOTHA.

22076

No. 94.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 15 July, 1912.)

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

(No. 20.)

SIR,
Government House, Brisbane, 4th June, 1912.
With reference to your despatch, No. 18, of the 7th of February last,* regarding the suggested utilization of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment and applications for employment, as between the United Kingdom and the

* No. 58 in Dominions No. 39.

Overseas Dominions, I have the honour to forward herewith a copy of a memorandum prepared by the Director of Labour and approved by the Premier.

I have, &c.,
WM. MACGREGOR,
Governor.

Enclosure in No. 94.

Sir,
Department of Labour, Brisbane, 20th May, 1912.
In connection with the attached correspondence, I have the honour to advise you that I am of opinion that co-operation indicated in same would be of very little, if any, advantage to this State. The question of supply and demand in connexion with labour is too much of a local nature to warrant any system of interchange of conditions with the United Kingdom as a general rule, and I consider that, when necessary, indentured labour can be secured from the Office of the Agent-General for the State. I therefore recommend no action.

I have, &c.,
JOHN J. MCGEE,
Director of Labour.

The Under-Secretary,
Chief Secretary's Office,
Brisbane.

20365

No. 95.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 486.)	(Tasmania. No. 71.)
(Australia. No. 301.)	(Western Australia. No. 83.)
(New South Wales. No. 102.)	(New Zealand. No. 209.)
(Victoria. No. 93.)	(Union of South Africa. No. 339.)
(Queensland. No. 81.)	(Newfoundland. No. 144.)

[Sir] [My Lord],
Downing Street, [17] [18] July, 1912.
With reference to my despatch No. [446] [278] [97] [87] [76] [67] [79] [192] [318] [131] of the 3rd of July,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a despatch from the Governor of South Australia, on the subject of the Resolution of the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than to foreign countries.

I have, &c.,
L. HARCOURT.

22844

No. 96.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received July 22, 1912.)

[Answered by No. 107.]

(No. 21.)

Sir,
Government House, Brisbane, 14 June, 1912.
With reference to your despatch, No. 38, of the 27th of March last,† on the subject of encouraging British emigrants to proceed to the British Dominions rather

* No. 92.

† No. 91.

‡ No. 62 in Dominions No. 33.

than to foreign countries, I have the honour to append a list of the British emigrants who arrived in Queensland during the last five years, from which it is plain that this State is doing its share in that very desirable direction.

1907	...	...	...	...	1,710
1908	...	...	...	...	2,674
1909	...	...	...	...	4,684
1910	...	...	...	...	7,932
1911	...	...	...	...	11,710

I have, &c.,
ARTHUR MORGAN,
Deputy-Governor.

21935

No. 97.

COLONIAL OFFICE to BOARD OF TRADE.

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

[Answered by No. 103.]

Sir,
Downing Street, 30th July, 1912.
With reference to the letter from this Office of the 14th of May,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, the accompanying copies of despatches from the Governor of Queensland and the Governor-General of the Union of South Africa, on the subject of the suggested utilisation of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Oversea Dominions.

2. It will be observed that the Government of the Union of South Africa suggests that a notice should be published at all Labour Exchanges throughout the United Kingdom warning intending emigrants against accepting positions in South Africa unless they are obtained through the Exchanges, and advising women to ask officials of the Labour Exchanges to cause investigations to be made into the genuineness of offers made otherwise than through the Exchanges.

3. Mr. Harcourt apprehends that it would be difficult to defend an attempt to confine the filling of vacancies in South Africa to the medium of the Labour Exchanges, which would be the effect of the proposed notice, and he would suggest that a more suitable way of meeting the wishes of the Union Government would be to insert a notice in the publications of the Emigrants' Information Office, to the effect that intending emigrants would be well advised, in any case of doubt, before accepting offers of employment in South Africa made otherwise than through official channels or organizations, such as the South African Colonisation Society, recognised by the Union Government, to apply to the High Commissioner for the Union in London for information as to the genuineness of the offer. It is clear that, if application were made to the Labour Exchanges in such cases, it would only be possible for these Exchanges to refer the matter to the High Commissioner, and therefore direct application to the High Commissioner would appear to be preferable.

4. Mr. Harcourt will be glad to receive any observations which the Board may have to offer on this proposal.

I am, &c.,
H. W. JUST.

* 14131: not printed.

† Nos. 94 and 93.

22844

No. 98.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Local Government Board, 6 August, 1912. L.F.]

(Canada. No. 526.)	(Western Australia. No. 87.)
(Australia. No. 325.)	(Tasmania. No. 74.)
(New South Wales. No. 106.)	(New Zealand. No. 227.)
(Victoria. No. 96.)	(Union of South Africa. No. 372.)
(South Australia. No. 76.)	(Newfoundland. No. 159.)

[SIR] [MY LORD], Downing Street, 2nd August, 1912.

With reference to
 [my despatch, No. (486) (301) (102) (93), of the 18th July*]
 [your despatch, No. 29, of the 28th of May†]
 [my despatch, No. (83) (71) (209), of the 18th July*]
 [my despatch, No. 339, of the 17th of July*]
 [my despatch, No. 144, of the 18th July*]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers the accompanying copy of a despatch from the Officer Administering the Government of Queensland, on the subject of the Resolution of the Imperial Conference in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than to foreign countries.

I have, &c.,
 L. HARCOURT.

24879

No. 99.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7 August, 1912.)

[Copy to Board of Trade, 13 August, 1912, and to Emigrants' Information Office, 3rd December, 1912. L.F. See No. 104.]

[Answered by No. 106.]

(No. 423.)

SIR, The Citadel, Quebec, 24 July, 1912.
 With reference to your despatch, No. 92, of the 7th of February last,§ on the subject of the procedure being followed in connexion with the notification of vacancies for employment received by the Board of Trade's Labour Exchanges from employers in Canada, I have the honour to enclose herewith, for your information, copies of an approved Minute of the Privy Council for Canada, from which you will observe that the procedure as described in the letter from the Board of Trade enclosed in your despatch above referred to is quite satisfactory to my responsible advisers, and they agree to instructions for its continuance being given.

It is requested that the Minister of Labour may be furnished with certain particulars respecting the applications made to the Labour Exchanges by Canadian employers.

I have, &c.,
 ARTHUR.

* No. 95.

† No. 91.

‡ No. 96.

§ No. 60 in Dominions No. 39.

Enclosure in No. 99.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 19th July, 1912.

(P.C. 1960.)

The Committee of the Privy Council have had under consideration a report, dated 5th July, 1912, from the Acting Secretary of State for External Affairs, to whom was referred a despatch from the Secretary of State for the Colonies, dated the 7th February, 1912, enquiring whether Your Royal Highness's Advisers approved of the continuance of the procedure then followed in connection with the notification of vacancies for employment received by the Board of Trade's Labour Exchanges from employers in Canada, under which the representative of the Dominion Government in London is consulted and action taken only with his approval.

The Minister states, after consultation with the Minister of Labour and the Minister of the Interior, that the procedure as described in the letter from the Board of Trade of the 24th January, enclosed in the despatch referred to, is quite satisfactory to Your Royal Highness's advisers and they agree to instructions for its continuance being given.

The Minister submits further that the Minister of Labour would be glad to receive particulars respecting the applications made to the Labour Exchanges by Canadian employers, indicating the classes of labour, the localities concerned, the trades affected, the persons making application, the numbers of employees stated to be desired, and any other pertinent matters.

The Committee, on the recommendation of the Acting Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to communicate the substance of this Minute, if approved, to the Right Honourable the Principal Secretary of State for the Colonies in reply to his despatch above mentioned.

All which is respectfully submitted for approval.

F. K. BENNETTS,
 Assistant Clerk of the Privy Council.

31564

No. 100.

WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7 October, 1912.)

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

(No. 56.)

Government House, Perth, Western Australia,

SIR,

9th September, 1912.

With reference to my despatch, No. 13, of 15th April, 1912,* and to your despatch, No. 78, of 28th June, 1912,† covering a letter from the Board of Trade of the 17th June, having reference to the utilisation of the system of Labour Exchanges in the United Kingdom in connection with emigration to this State, I beg leave to transmit a copy of a minute from Mr. Scaddan conveying the reply which my Ministers wish to submit in answer to the enquiry of the Board of Trade.

I have, &c.,
 G. STRICKLAND,
 Governor.

* No. 63 in Dominions No. 39.

† No. 69 in Dominions No. 39.

Enclosure in No. 100.

FROM THE HONOURABLE THE PREMIER TO HIS EXCELLENCY THE GOVERNOR.

Re Despatch, No. 78, of 28th June, 1912.

With reference to Your Excellency's communication of the 24th July last, I beg to inform you that I have nothing to add to my previous communication to Your Excellency on the subject to which you referred when writing to the Right Honourable the Secretary of State for the Colonies on the 15th April last. The Agent-General is in very close touch with the Government, and I feel sure is in a position to thoroughly satisfy himself regarding the *bond fides* of those seeking employees. I have asked Sir Newton Moore, however, to inform the Secretary of State whether the practice referred to in the concluding portion of Mr. Barnes's letter of the 17th June last is in operation so far as the London office of this State is concerned, and if so, if it is proving satisfactory.

J. SCADDAN,
Premier.

31 August, 1912.

31564

No. 101.

COLONIAL OFFICE to BOARD OF TRADE.

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

Sir,

Downing Street, 16 October, 1912.

With reference to your letter of the 17th June,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, a copy of a despatch† from the Governor of Western Australia, on the subject of the suggested utilisation of the system of Labour Exchanges in the United Kingdom to secure suitable applicants for vacancies which employers in Western Australia may desire to fill.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

34867

No. 102.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4 November, 1912.)

[Copy to Local Government Board, 12 November, 1912. L.F.]

(No. 61.)

Sir,

Government House, Perth, 5th October, 1912.

With reference to your despatch, No. 87, of the 2nd August, 1912,‡ I have the honour to report that it has received the consideration of my Ministers, who advise that practically the whole of the State-aided immigration to Western Australia has been from Great Britain, and efforts in the direction of inducing immigration have been almost solely confined to the British Isles. The difficulty in arranging shipping has for the last year or two somewhat retarded the flow of British immigrants anxious to come to this State.

2. The following figures show the number of State-aided immigrants arriving from Great Britain for the respective years mentioned, and the numbers would have

* No. 67 in Dominions No. 39.

† No. 100.

‡ No. 98.

been considerably augmented of late had it been possible to make satisfactory additional shipping arrangements:—

1907	...	...	...	...	949
1908	...	...	...	...	1,136
1909	...	...	...	...	1,359
1910	...	...	...	...	4,049
1911	...	...	...	...	9,561
1912 (to 1st October, 1912)	...	...	...	...	6,014

I have, &c.,
G. STRICKLAND,
Governor.

35074

No. 103.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 6 November, 1912.)

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

[Answered by L.F. transmittal copy of No. 105.]

Board of Trade, Central Office for Labour Exchanges
and Unemployment Insurance, Queen Anne's Chambers,
Westminster, S.W., 5th November, 1912.

Sir,

I AM directed by the Board of Trade to refer to your letter of the 30th July (No. 21935/1912),* forwarding a copy of a despatch from the Governor-General of South Africa, with regard to the utilization of the machinery of the Labour Exchanges in connection with vacancies for employment in the Union of South Africa.

In reply, I am to state that the Board concur in the proposal that any warning notice which it may be thought necessary to issue to intending emigrants should be in the form suggested in the third paragraph of your letter, and should be inserted in the publications of the Emigrants' Information Office, rather than advertised through the Labour Exchanges.

I have, &c.,
G. S. BARNES.

35179

No. 104.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 7 November, 1912.)

[Copy to Emigrants' Information Office, 3rd December, 1912. L.F.]

Board of Trade, Central Office for Labour Exchanges
and Unemployment Insurance, Queen Anne's Chambers,
Westminster, S.W., 6th November, 1912.

Sir,

With reference to your letter of the 13th August (No. 24789),‡ forwarding a copy of a despatch from the Governor-General of Canada, with enclosure, regarding the utilization of the Labour Exchanges in connection with vacancies for employment in Canada, I am directed by the Board of Trade to state that, in compliance with the request of the Canadian Government, they are arranging to forward at half-yearly intervals, for the confidential information of the Minister of Labour, a return of vacancies notified to the Labour Exchanges by Canadian employers, classified according to trades and provinces.

A return for the six months ending the 31st December, 1912, will be forwarded in due course.

I have, &c.,
G. S. BARNES.

* No. 97.

† L.F. transmitting copy of No. 99.

35074

No. 105.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade, 19 November, 1912. L.F.]

[Answered by No. 110.]

(No. 545.)

MY LORD,

Downing Street, 13 November, 1912.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 434, of the 26th of June,* on the subject of the utilization of the machinery of the Labour Exchanges in the United Kingdom in connexion with the notification of vacancies for employment in the Union of South Africa.

2. I have given, in conjunction with the Board of Trade, careful consideration to the suggestion made by your Ministers that a notice should be published at all Labour Exchanges throughout the United Kingdom warning intending emigrants against accepting positions in South Africa unless they are obtained through the Exchanges; and advising women to ask the officials of the Exchanges to cause investigations to be made into the genuineness of offers of employment made to them.

3. I feel, however, some doubt as to whether it would be practicable to defend against criticism an attempt to confine the filling of vacancies in South Africa to the medium of the Labour Exchanges, which would seem to be the effect of the proposed notice, and I consider that a more convenient method of carrying out the wishes of your Government would be to insert a notice in the publications of the Emigrants' Information Office, to the effect that intending emigrants would be well advised, in any case of doubt, before accepting offers of employment in South Africa made otherwise than through official channels or organizations, such as the South African Colonization Society, recognised by the Union Government, to apply to the High Commissioner for the Union in London for information as to the genuineness of the offer. It is clear that, if application were made to the Labour Exchanges in such cases, it would only be possible for these Exchanges to refer the matter to the High Commissioner, and, therefore, direct application to the High Commissioner would appear to be preferable.

4. I shall be glad to learn whether your Government concur in the proposed issue of such a warning.

I have, &c.,

L. HARCOURT.

35179

No. 106.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 775.)

SIR,

Downing Street, 13 November, 1912.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch, No. 423, of the 24th of July,† on the subject of the notification of vacancies for employment received by the Board of Trade's Labour Exchanges from employers in Canada.

2. In reply, I have to request that you will inform your Ministers that, in compliance with their request, arrangements are being made to forward at half-yearly intervals, for the confidential information of the Minister of Labour, a return of vacancies notified to the Labour Exchanges by Canadian employers, classified according to trades and provinces.

3. A return for the six months ending the 31st of December, 1912, will be forwarded in due course.

I have, &c.,

L. HARCOURT.

* No. 93.

† No. 99.

34867

No. 107.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 863.)
(Australia. No. 536.)
(New South Wales. No. 163.)
(Victoria. No. 143.)
(Queensland. No. 132.)

(South Australia. No. 115.)
(Tasmania. No. 116.)
(New Zealand. No. 379.)
(Union of South Africa. No. 606.)
(Newfoundland. No. 257.)

[SIR],

Downing Street, 18 December, 1912.

[MY LORD],

WITH reference to

[my despatch, No. (526) (325) (106) (96), of the 2nd August,*]

[Sir A. Morgan's despatch, No. 21, of the 14th June†]

[my despatch, No. (76) (74) (227) (372) (159), of the 2nd August,*]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, a copy of a despatch‡ from the Governor of Western Australia on the subject of the Resolution of the Imperial Conference, 1911, in favour of continuing the policy of encouraging British emigrants to proceed to British Dominions rather than to foreign countries.

I have, &c.,

L. HARCOURT.

41305

No. 108.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 30 December, 1912.)

[Copy to Board of Trade, 9 January, 1913. L.F.]

(No. 71.)

SIR,

State Government House, Melbourne, 25th November, 1912.

WITH reference to your despatch, No. 20, of 7th February last,§ I have the honour to inform you that careful consideration has been given to the proposals of the Board of Trade respecting the co-operation with Labour Exchanges. The authorities of the Immigration Bureau report that at the present time their officers in England are attending to all immigration proposals for this State, and it is intended to bring this subject under their notice, in order that it may be ascertained whether this State may be able to advantageously co-operate now, or at some later period. It is doubtful, however, whether the proposal is one that can be adopted by the Labour Exchanges, owing to the fact that specific engagements cannot be offered in England to the workmen required here.

I have, &c.,

JOHN FULLER

(A copy of this despatch has been sent to the Governor-General.)

2479

No. 109.

THE AGENT-GENERAL for WESTERN AUSTRALIA to COLONIAL OFFICE.

(Received 22 January, 1913.)

SIR,

15, Victoria Street, London, S.W., 21st January, 1913.

I HAVE the honour to advise you that a recent communication has been received by me from the Honourable the Premier of Western Australia to the effect that he has been asked by the Secretary of State for the Colonies, through His Excellency the Governor, "Whether the existing arrangements, under which the representative

* No. 98.

† No. 96.

‡ No. 102.

§ No. 58 in Dominions No. 39.

of the Western Australian Government in London is consulted in each case before vacancies notified to Labour Exchanges by employers in the State are advertised, is regarded as satisfactory," and that the Premier informed His Excellency I would reply to your questions direct.

So far as I am concerned, I have received no notification from the Board of Trade regarding any notice of vacancies to Labour Exchanges in Great Britain by employers in Western Australia, but I presume that the reason for this is that up to the present no such application has been received by the Exchanges.

Under the present system of nomination the demand for artisans and other industrial workers appears to be fully met by the extension of the State's Labour Bureau, and the Hon. Premier has already indicated, through His Excellency the Governor, that the Government is of opinion that the system in force has proved sufficient for all requirements.

So far as farm labourers are concerned, my experience is that our existing system has worked satisfactorily and is probably preferable to any co-operation with Labour Exchanges, for the reason that it is believed that the best class of farm worker has a prejudice against applying direct to the Labour Exchanges for assisted passages. In connection with skilled artisans, however, should any specific demands be made from the State I can quite understand that the Labour Exchanges could give material assistance.

I have, &c.,
N. J. MOORE.
Agent-General.

2813

No. 110.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25 January, 1913.)

(No. 6.)

SIR, Governor-General's Office, Pretoria, 6 January, 1913.

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 545, of 13th November, 1912,* a copy of a minute, No. 1064, from Ministers, dated 28th December, on the subject of the utilisation of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Union of South Africa.

2. My minute of the 9th December, referred to by Ministers, forwarded a copy of your despatch, No. 545, of the 13th November. The reference to your despatch, No. 60, is apparently made in error.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 110.

(Minute No. 1064.)

Prime Minister's Office, Pretoria, 28th December, 1912.

With reference to His Excellency the Governor-General's minute, No. 13/827, dated the 9th December, 1912, forwarding a copy of a despatch, No. 60, from the Right Honourable the Secretary of State for the Colonies, on the subject of the utilisation of the machinery of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Union of South Africa, Ministers have the honour to inform His Excellency the Governor-General that they agree to the suggestions put forward in paragraph 3 of the Secretary of State's despatch above referred to, viz., that a notice should be inserted in the publication of the Emigrants' Information Office, to the effect that intending emigrants would be well advised, in any case of doubt, before accepting offers of employment in South Africa, to apply to the High Commissioner for the Union in London for information as to the genuineness of the offer.

J. C. SMUTS.

* No. 105.

2479

No. 111.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by 13165: not printed.]

SIR,

Downing Street, 31 January, 1913.

In continuation of the letter from this Department of the 16th October last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, a copy of a letter† from the Agent-General for Western Australia, relative to the suggested utilization of the system of Labour Exchanges in the United Kingdom to secure suitable applicants for vacancies which employers in Western Australia may desire to fill.

2. Mr. Harcourt would be glad to be favoured with the observations of the Board on the second paragraph of the Agent-General's letter with reference to the last paragraph of your letter of the 17th June last.‡

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

2813

No. 112.

COLONIAL OFFICE to THE EMIGRANTS' INFORMATION OFFICE.

SIR,

Downing Street, 13 February, 1913.

With reference to the letter from this Department of the 3rd December last,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Committee of Management, a copy of a despatch|| from the Governor-General of the Union of South Africa, from which it will be seen that the Union Government concur in the suggestion that a notice should be inserted in the publications of your Office advising intending emigrants, in cases of doubt, before accepting employment in South Africa to apply to the High Commissioner for the Union in London for information as to the genuineness of the offer.

2. I am to ask that the Committee will cause steps to be taken for the issue of the proposed notice.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

2813

No. 113.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 13 February, 1913.

With reference to the letter from this Department of the 19th November last,¶ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, a copy of a despatch|| from the Governor-General of the Union of South Africa, from which it will be seen that the Union Government concur in the suggestion that a notice should be inserted in the publications of the Emigrants' Information Office advising intending emigrants, in cases of doubt, before accepting employment in South Africa, to apply to the High Commissioner for the Union in London for information as to the genuineness of the offer.

2. The Committee of Management of the Emigrants' Information Office have been asked to take steps for the issue of the proposed notice.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 101.

† No. 109.

‡ No. 67 in Dominions No. 33.

§ L.F. transmitting copies of No. 104 and previous correspondence.

|| No. 110.

¶ L.F. transmitting copy of No. 105.

No. 114.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7 April, 1913.)

[Copy to Emigrants' Information Office, 11 April, 1913. L.F.]

(No. 42.)

Sir,

State Government House, Sydney, 4th March, 1913.

ADVERTING to your despatch of the 7th February, 1912, No. 24,* regarding the question of my Government co-operating with the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in New South Wales and applications of persons for situations, I have now the honour to inform you that Ministers have no objection to their representatives in London conferring with representatives of the Colonial Office and the Board of Trade as suggested by you. The Agent-General for New South Wales and the Director of Immigration, who is at present in London, are being authorised to render any assistance in their power.

2. Ministers are advised that the Agent-General some time ago had interviews with representatives of the Labour Exchanges, who were desirous of ascertaining to what extent the New South Wales Government would be content to draw its immigrants from the ranks of those who had registered their names as applicants for employment. Mr. Coghlan explained at the time that the policy of this Government was to recruit immigrants for rural work and domestic service only, and the organisations with which he was in touch were working well.

3. It is understood that there is little likelihood of workers of the class required for New South Wales being procured through the Labour Exchanges, and this would make it impossible for my Government's representatives to co-operate in an active way with these establishments, for the present at any rate.

I have, &c.,

CHELMSFORD,

Governor.

11807

No. 115.

NEW ZEALAND.

COLONEL THE HONOURABLE J. ALLEN (NEW ZEALAND MINISTER OF FINANCE), to COLONIAL OFFICE.

(Received 9 April, 1913.)

[Copy to Emigrants' Information Office, 11 April, 1913. L.F.]

Queen Anne's Mansions, St. James's Park, S.W.,

8th April, 1913.

DEAR MR. HARCOURT,

ON behalf of my colleague, the Honourable H. D. Bell, who administers the Department of Immigration in New Zealand, I have been going into the question of emigration here, and have been informed "that the Board of Trade are prepared to allow their labour offices throughout the country to be used by representatives of the overseas Governments, and they would be prepared to make known in advance the forthcoming visit of an official medical representative, and would advertise whatever schedule of labour he required. Thus, if the New Zealand Government agreed that the following were wanted, a notice could be put up in the Labour Exchanges in (say) Bedford, Birmingham, Nottingham, Leicester, York, Newcastle and Edinburgh, Glasgow, Liverpool and Manchester, to state that fifty boiler-makers, two hundred experienced agriculturists, a hundred boys and two hundred girls as Government apprentices to employers, fifty widows, and two hundred mill-hands were required for New Zealand, and the representative of that Dominion would be at that office on day."

* No. 58 in Dominions No. 35.

I shall be very much obliged if you will ascertain and inform me if the Board of Trade would be prepared to assist us in the way suggested.

Yours, &c.,

J. ALLEN.

11807

No. 116.

COLONIAL OFFICE to BOARD OF TRADE.

[Copy to Emigrants' Information Office, 11 April, 1913. L.F.]

[Answered by No. 118.]

Sir,

Downing Street, 11 April, 1913.

WITH reference to the letter from this Department of the 12th July last,* I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Board of Trade, a copy of a letter† from Colonel the Honourable J. Allen, the New Zealand Minister of Finance, &c., who is now in this country, on the subject of the utilisation of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Dominion.

2. Mr. Harcourt will be glad to learn what reply should, in the opinion of the Board of Trade, be returned to Colonel Allen's request.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

11545

No. 117.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 119.]

Sir,

Downing Street, 11 April, 1913.

WITH reference to the letter from this Department of the 13th of February,‡ and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, for any observations the Board of Trade may have to offer, a copy of a despatch§ from the Governor of New South Wales, on the subject of the co-operation of the New South Wales Government with the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in New South Wales and applications of persons for situations.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

13526

No. 118.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 22 April, 1913.)

[Answered by No. 120.]

Board of Trade, Central Office for Labour Exchanges and Unemployment Insurance,

Queen Anne's Chambers,

Westminster, S.W., 21st April, 1913.

Sir,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 11th April (No. 11807/1913),|| forwarding a copy of a letter from the New Zealand Minister for Finance, &c., on the subject of the utilisation of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Dominion.

* L.F. transmitting copy of No. 90. † No. 115. ‡ No. 113. § No. 114. || No. 116.

In reply, I am to state that the Board are prepared to circulate throughout the Labour Exchanges in Great Britain particulars of vacancies notified to them by the Government of New Zealand, and to take steps, by the display of notices or otherwise, to bring such vacancies to the notice of suitable applicants.

I am to add that the Labour Exchanges are precluded from dealing with vacancies for domestic servants to reside in private houses, and that, as regards this class of labour, it would not, therefore, be possible to render any assistance to the New Zealand Government.

I have, &c.,
G. S. BARNES.

13952

No. 119.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 26 April, 1913.)

[Answered by No. 120.]

Central Office for Labour Exchange and Unemployment Insurance,
Queen Anne's Chambers, Westminster, S.W.,

SIR, 25th April, 1913.
I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 11th April (No. 11545/1913),* forwarding a copy of a despatch from the Governor of New South Wales, with regard to the utilisation of the Labour Exchanges in this country in connection with vacancies for employment in that State.

In reply, I am to state that, whilst the Labour Exchanges are precluded from dealing with vacancies for domestic servants to reside in private houses, it might be possible for them to render some assistance to the New South Wales Government in connection with vacancies for rural workers.

In these circumstances it appears to the Board that a useful purpose might be served by a conference on the lines suggested in Lord Chelmsford's despatch. In the event of such a conference being arranged the Board would propose to nominate Mr. R. C. Woodhead to represent them.

I have, &c.,
G. S. BARNES.

13526

No. 120.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 124.]

SIR, Downing Street, 8 May, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 21st April and the 25th April,† on the subject of the utilisation of the Labour Exchanges in this country in connection with vacancies for employment in New Zealand and New South Wales.

2. As regards New Zealand, it is not clear precisely how far the Board of Trade are prepared to meet the wishes expressed by Colonel Allen. It is presumed, however, that any facilities given to the Government of New Zealand must be extended to the Government of any other Dominion which would desire to avail itself of them. As regards New South Wales, Mr. Harcourt doubts the advisability of taking any action, in view of the terms of the Governor's despatch of the 4th March.‡

3. Generally, there appears to Mr. Harcourt to be a distinct danger lest the assistance which the Board propose to give to the emigration agencies of the self-governing Dominions may directly encourage the emigration from this country of agricultural labourers and others who are in employment in this country, and whose emigration His Majesty's Government have no wish to encourage, and may thus go beyond what Mr. Harcourt apprehends to be the main purpose of the Labour

* No. 117

† Nos. 118 and 119.

‡ No. 111.

Exchanges—the finding of posts in this country for persons who are without employment.

4. Before proceeding further in the matter, therefore, Mr. Harcourt considers it advisable to consult the Board of Agriculture and Fisheries. A copy of the correspondence is accordingly being sent to them for their observations. A copy of the correspondence is also being sent to the Local Government Board for their information.

I am, &c.,
H. W. JUST.

13526

No. 121.

COLONIAL OFFICE to BOARD OF AGRICULTURE AND FISHERIES.

[Answered by No. 125.]

SIR, Downing Street, 6 May, 1913.
I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Agriculture and Fisheries, copies of the correspondence* noted in the margin, on the subject of the proposed utilisation of the Board of Trade Labour Exchanges by representatives of the Oversea Dominions with a view to obtaining agriculturists and other persons to fill vacancies in the Oversea Dominions.
2. Mr. Harcourt would be glad to receive any observations which the Board of Agriculture may desire to offer on these papers.
I am, &c.,
H. W. JUST.

13526

No. 122.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

SIR, Downing Street, 8 May, 1913.
I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Local Government Board, the accompanying copy of correspondence† on the subject of the utilisation of the Labour Exchanges for the purpose of filling vacancies in the self-governing Dominions.

I am, &c.,
H. W. JUST.

17391

No. 123.

BOARD OF AGRICULTURE AND FISHERIES to COLONIAL OFFICE.

(Received 23 May, 1913.)

[Copy of Enclosure to Board of Trade and Local Government Board, 6 June, 1913.]

[Answered by No. 127.]

Board of Agriculture and Fisheries,

4, Whitehall Place, London, S.W.,

SIR, 21st May, 1913.
I AM directed by the Board of Agriculture and Fisheries to transmit to you herewith, for Mr. Harcourt's information, a copy of a letter, dated the 24th ultimo, which they have received from the High Commissioner for New Zealand, enquiring as to Government assistance in having lads trained to fit them for farm work in the Colonies.

* Nos. 116 and 118; No. 58 in Dominions No. 39; Nos. 114, 117, 119, and 120.
† No. 58 in Dominions No. 39; Nos. 114, 117, 119, 115, 116, 118, 120, and 121.

The Board suggest that the enquiry is one which should properly be dealt with by the Secretary of State, as the funds which are at their disposal for purposes of agricultural education could not, in existing circumstances, be definitely applied in the way suggested.

I am, &c.,
T. H. MIDDLETON,
Assistant Secretary.

Enclosure in No. 123.

High Commissioner for New Zealand,
Westminster Chambers, 13, Victoria Street,
London, S.W., 24th April, 1913.

SIR, I AM directed by the High Commissioner to ascertain, if possible, whether it is the intention of the Imperial Government to take any steps with a view to having lads trained on farms in this country, and by such means placing them in a position to take up farm work in some of His Majesty's oversea Dominions, thus relieving the overcrowded labour conditions at present existing in the United Kingdom.

Speaking with a knowledge of New Zealand, the High Commissioner desires me to state that youths with farming experience would be readily accepted, and plenty of work could be found for them in the Dominion, and assistance given them to reach their destination.

I am, &c.,
C. WRAY PALLISER.

The Secretary,
Board of Agriculture and Fisheries.

18541

No. 124.
BOARD OF TRADE to COLONIAL OFFICE.

(Received 2 June, 1913.)

[Answered by No. 131.]

Board of Trade, Central Office for
Labour Exchanges and Unemployment Insurance,
Queen Anne's Chambers,

Westminster, S.W., 30 May, 1913.

SIR, I AM directed by the Board of Trade to refer to your letter, No. 13526/1913, of the 8th May,* and previous correspondence, on the subject of the utilisation of the Labour Exchanges in this country in connection with vacancies for employment in New Zealand and New South Wales.

The Board note that a copy of the correspondence has been forwarded to the Board of Agriculture and Fisheries for their observations, and they will accordingly await a further communication from your Department.

I have, &c.,
W. H. BEVERIDGE.

19058

No. 125.
BOARD OF AGRICULTURE AND FISHERIES to COLONIAL OFFICE.

(Received 6 June, 1913.)

[Answered by No. 128.]

Board of Agriculture and Fisheries,
4, Whitehall Place,

London, S.W., 5th June, 1913.

SIR, I AM directed by the President of the Board of Agriculture and Fisheries to advert to Sir H. W. Just's letter of the 8th ultimo, No. 13526/1913,† and to say that it appears to the Board to be very questionable, having regard to the existing circumstances of agriculture in the United Kingdom, whether increased efforts should be made by the State to encourage the emigration of skilled agricultural labourers from this country. There appears at present to be ample opportunity afforded for

* No. 120.

† No. 121.

the emigration of the more enterprising and highly-trained of the agricultural classes, and the Board cannot but feel that a considerable portion of the expenditure in this country on agricultural education and equipment generally may fail, to some extent, in its primary object if those who benefit themselves do not remain to devote their skill and intelligence to a gradual improvement in the general efficiency of agricultural industry in this country.

I am to suggest that any conference on the subject indicated in Mr. Barnes's letter to you of the 25th ultimo* might conveniently be enlarged in scope so as to include methods, alternative to Labour Exchanges, of selecting emigrants for the oversea Dominions; and, in this connection, the Board desire to advert to their letter to you of the 21st ultimo,† on the subject of the enquiry of the High Commissioner for New Zealand, dated the 24th April last, as to the farm training of lads in this country with a view to their taking up farm work in the Dominions. Such training might, perhaps, take the form of the establishment in the United Kingdom of one or more farm training schools at which selected youths—not necessarily agriculturists—might receive a preliminary training in farming sufficient to render them suitable as emigrants to Canada, Australia, or New Zealand. The feasibility of the adoption of some such scheme, by co-operation between the Imperial and the Dominion Governments, seems to the Board to be worthy of consideration.

I am, &c.,
E. J. CHENEY,
Assistant Secretary.

17391

No. 126.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR NEW ZEALAND.

[Copies to Board of Trade and Local Government Board, 6 June, 1913.]

Downing Street, 6 June, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th April,‡ addressed in error to the Board of Agriculture and Fisheries, enquiring whether it is the intention of His Majesty's Government to take steps with a view to having lads trained on farms in this country in order to place them in a position to take up farm work in the oversea Dominions.

2. In reply, I am to request you to inform the High Commissioner that the subject of emigration is engaging the attention of the Dominions Royal Commission, which is now sitting, and that, pending their final report, Mr. Harcourt does not propose to invite His Majesty's Government to consider whether any such steps should be taken.

I am, &c.,
H. W. JUST.

17391

No. 127.

COLONIAL OFFICE to BOARD OF AGRICULTURE AND FISHERIES.

Downing Street, 6 June, 1913.

SIR,

With reference to your letter of the 21st ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Agriculture and Fisheries, a copy of a letter§ which has been addressed to the High Commissioner for New Zealand in reply to his enquiry whether it is the intention of His Majesty's Government to take steps with a view to having lads trained in this country in order to fit them for farm work in the oversea Dominions.

2. In connection with this matter I am to refer to the reply|| returned to the question asked by Sir C. Kinloch-Cooke in the House of Commons on the 16th of January last.

* No. 119.

† No. 123.

‡ Enclosure in No. 123.

§ No. 126.

|| Mr. Gulland, in reply, said "The subject of emigration is engaging the attention of the Royal Commission which is now sitting, and pending their final report the Secretary of State does not propose to enter into negotiations with the Dominion Governments."

3. Copies of the correspondence with the High Commissioner have been sent to the Local Government Board and the Board of Trade.

I am, &c.,
H. W. JUST.

19058

No. 128.

COLONIAL OFFICE to BOARD OF AGRICULTURE AND FISHERIES.

[Answered by No. 130.]

Sir,

Downing Street, 14 June, 1913.

I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 5th of June,* on the subject of the emigration of skilled agricultural labourers from this country to the overseas Dominions.

2. In reply, I am to request you to refer the Board of Agriculture to the letter from this Office of the 6th of June,† from which it will be seen that consideration of the question of the training of lads on farms in this country with a view to their subsequent emigration should, in Mr. Harcourt's opinion, be deferred until after the report of the Dominions Royal Commission has been presented.

3. In view of the arguments brought forward in the first paragraph of your letter under reply, Mr. Harcourt proposes to inform the Board of Trade, with regard to the request from the Government of New Zealand, that he considers that it is not desirable for the Labour Exchanges to undertake the work of facilitating the emigration of rural labourers, at any rate pending the report of the Royal Commission, and I am to enquire whether the Board of Agriculture concur in this reply.

4. A copy of your letter and of this reply is being forwarded to the Local Government Board.

I am, &c.,
H. W. JUST.

19058

No. 129.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

Sir,

Downing Street, 14 June, 1913.

With reference to the letters from this Office of the 8th of May and the 6th of June,‡ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Local Government Board, a copy of correspondence§ with the Board of Agriculture on the subject of the utilization of the Labour Exchanges in connection with the emigration of skilled agricultural labourers from this country to the overseas Dominions.

I am, &c.,
H. W. JUST.

20996

No. 130.

BOARD OF AGRICULTURE AND FISHERIES to COLONIAL OFFICE.

(Received 21 June, 1913.)

[Copy to Local Government Board, 7 July, 1913. L.F.]

[Answered by L.F. transmitting copy of No. 131.]

Board of Agriculture and Fisheries,
4, Whitehall Place,

Sir,

London, S.W., 20 June, 1913.

I AM directed by the President of the Board of Agriculture and Fisheries to advert to Sir H. W. Just's letter of the 14th instant, No. 19058/1913,|| and, in reply, to express Mr. Runciman's concurrence in the proposal therein contained to the effect that the Board of Trade should be informed that it does not appear to be desirable for the Labour Exchanges to undertake the work of facilitating the

* No. 125. † No. 127. ‡ No. 122; and transmitter of Nos. 123 and 126.
§ Nos. 125 and 128. ¶ No. 128.

emigration of rural labourers, pending the report of the Dominions Royal Commission.

I am, &c.,
SYDNEY OLIVIER,
Secretary.

20996

No. 131.

COLONIAL OFFICE to BOARD OF TRADE.

[Copy to Board of Agriculture and Local Government Board, 7 July, 1913. L.F.]

[Answered by No. 132.]

Sir,

Downing Street, 3 July, 1913.

With reference to your letter of the 30th of May and to the letter from this Office of the 6th of June,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, a copy of correspondence† with the Board of Agriculture, on the subject of the utilization of the Labour Exchanges in connection with the emigration of skilled agricultural labourers from this country to the Oversea Dominions.

2. Mr. Harcourt will be glad to learn whether the Board of Trade concur in the view expressed in this correspondence, that it is not desirable for the Labour Exchanges to undertake the work of facilitating the emigration of rural labourers, at any rate pending the report of the Dominions Royal Commission, and in the Government of New Zealand being informed that, pending the report of the Royal Commission, it is not possible to decide whether the Labour Exchanges should be utilised in the manner suggested by Colonel Allen in his letter of April 8th.‡

3. In this connection I am to refer to paragraph 3 of the letter from this Department of the 8th May.§

I have, &c.,
H. W. JUST

26199

No. 132.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 30 July, 1913.)

[Answered by No. 134.]

Board of Trade, Central Office for
Labour Exchanges and Unemployment Insurance,
Queen Anne's Chambers,

Westminster, S.W., 29th July, 1913.

Sir,

I AM directed by the Board of Trade to refer to your letter of the 3rd July,|| forwarding a copy of correspondence with the Board of Agriculture with regard to the utilisation of the Labour Exchanges in connection with the emigration of agricultural labourers from this country to the Oversea Dominions.

While the Board concur in the view that it is not desirable for the Labour Exchanges to take any active steps to facilitate the emigration of rural labourers, at any rate pending the report of the Dominions Royal Commission, they feel that it would be difficult for them to refuse to place at the disposal of the Dominion Governments the facilities which are at present accorded to private employers in the Dominions. The Board regard themselves as to some extent committed to such a course as a result of the discussions at the last Imperial Conference and their subsequent letter of the 24th January, 1912,¶ a copy of which was communicated by your Department to the Dominion Governments concerned.

I am accordingly to suggest, for Mr. Secretary Harcourt's consideration, that the Government of New Zealand should be informed that while the Labour Exchanges would be prepared to take such steps as may be possible to bring to the notice of applicants in this country such vacancies in New Zealand as may be notified to the Labour Exchanges from time to time, it is felt that it would be premature to arrange a formal scheme of co-operation, involving the display of notices at the Labour Exchanges, pending the report of the Dominions Royal Commission.

* Nos. 124 and 127. † Nos. 125, 128 and 130. ‡ No. 115. § No. 120.
¶ No. 131. ¶ No. 56 in Dominions No. 39.

I am to add, with reference to paragraph 3 of your letter of the 8th May (No. 13526),* that it is the present policy of the Board to refrain from giving special prominence to vacancies notified to the Labour Exchanges for workpeople outside the British Isles, and, in practice, the number of such vacancies dealt with is very small.

I have, &c.,
W. H. BEVERIDGE.

26199

No. 133.
NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 297.)

MY LORD,

Downing Street, 7 August, 1913.

I HAVE the honour to transmit to your Excellency the accompanying copy of a letter† which I received from Colonel the Honorable James Allen, Minister of Finance, &c., while in this country, on the subject of the utilisation of the Labour Exchanges in the United Kingdom in connection with the notification of vacancies for employment in the Dominion.

2. I shall be glad if you will inform your Ministers that the matter has received the careful consideration of the Board of Trade, and that, while the Labour Exchanges would be prepared to take such steps as may be possible to bring to the notice of applicants in this country such vacancies in New Zealand as may be notified to the Labour Exchanges from time to time, it is felt that it would be premature to arrange a formal scheme of co-operation, involving the display of notices at the Labour Exchanges, pending the report of the Dominions Royal Commission on the whole question of emigration to the self-governing Dominions.

I have, &c.,
L. HARCOURT.

26199

No. 134.
COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 7 August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th July,‡ and to transmit to you, for the information of the Board of Trade, the accompanying copy of a despatch§ which has been addressed to the Governor of New Zealand, on the subject of the proposed utilization of the Labour Exchanges in connexion with the emigration of agricultural labourers from this country to the Oversea Dominions.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

26199

No. 135.
COLONIAL OFFICE to LOCAL GOVERNMENT BOARD AND BOARD OF AGRICULTURE AND FISHERIES.

SIR,

Downing Street, 7 August, 1913.

WITH reference to the letter from this Office of the 7th July,|| I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [the Local Government Board,] [the Board of Agriculture and Fisheries,] the accompanying copy of further correspondence¶ on the subject of the proposed utilisation of the Labour Exchanges in connection with the emigration of agricultural labourers from this country to the Oversea Dominions.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 120.

† No. 115.

‡ No. 122.

§ No. 133.

|| L.F. transmitting copy of No. 131.

¶ Nos. 132, 133, and 134.

(RESOLUTION VIII.): PROVISION FOR DESERTED WIVES AND CHILDREN

21721

No. 136.
TREASURY to COLONIAL OFFICE.
(Received July 11, 1912.)

SIR,

Treasury Chambers, 11th July, 1912.

I AM directed by the Lords Commissioners of His Majesty's Treasury to acknowledge the receipt of Sir H. Just's letter of the 25th ultimo (17313/1912),* relating to the preparation of a Bill to make provision for deserted wives and children, and I am to acquaint you, for the information of Mr. Secretary Harcourt, that my Lords have instructed the Parliamentary Counsel to place himself in communication with your Department with a view to drawing the Bill.

I am, &c.,
ROBERT CHALMERS.

* No. 85 in Dominions No. 39.

(RESOLUTION IX.): COURT OF APPEAL.

7198

No. 137.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND
GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 4.35 p.m., 3rd July, 1912.)

TELEGRAM.

[*To New South Wales only*: Referring to your despatch, No. 104, of the 4th October,* my despatch, No. 105, of the 28th July,†] [referring to my despatch 28th July, No. []‡] In pursuance of eighth paragraph of summary of proposals as to appeals arising out of Imperial Conference, 1911, His Majesty's Government propose to submit to His Majesty Order in Council of which operative part is as follows:—

"Any member of the Judicial Committee of the Privy Council present at the hearing of an appeal cause or matter from the Courts of any self-governing Dominion or State or Province who shall dissent from the opinion of the majority of the members present as to the nature of the report or recommendation to be made to His Majesty thereon shall be at liberty to publish his dissent in open court and to make a brief and concise statement of the reasons for such dissent."

Should be glad to know whether your Ministers concur in this proposal.

[*To Canada only*: They will, no doubt, ascertain views of Provincial Governments on the subject.]

[*To Commonwealth of Australia only*: Similar telegram sent to Governors of States.]—HARCOURT.

20200

No. 138.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

Sir,

Downing Street, 4 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th of June,‡ transmitting a draft of the proposed Order in Council respecting the publication of dissentient opinions by members of the Judicial Committee of the Privy Council.

2. In reply I am to request you to inform the Lord President that a telegram§ in the terms of the draft enclosed in the letter from this Office of the 4th of April|| (with the substitution of the word "cause" for "case") has now been addressed to the Governors-General and Governors of the self-governing Dominions and the Australian States, requesting their concurrence in the terms of the draft Order.

3. On receipt of the replies to this telegram a further communication will be addressed to you.

I am, &c.,

H. W. JUST

* No. 94 in Dominions No. 39.
† No. 103A in Dominions No. 39.

‡ No. 88 in Dominions No. 39.
§ See No. 137. || No. 102A in Dominions No. 39.

33247

No. 139.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21 October, 1912.)

[Answered by No. 144.]

(No. 551.)

SIR,

Government House, Ottawa, 10 October, 1912.

WITH reference to your telegram of the 3rd July,* on the subject of the publication of dissenting opinions in the Judicial Committee of the Privy Council, I have the honour to transmit, herewith, for your consideration, copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I have, &c.,

C. FITZPATRICK,

Deputy Governor-General.

Enclosure in No. 139.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Deputy Governor-General on the 8th October, 1912.

(P.C. 2747.)

The Right Honourable the Secretary of State for External Affairs submits a memorandum, dated 25th September, 1912, from the Minister of Justice, with reference to a despatch of 3rd July, 1912, from the Right Honourable the Secretary of State for the Colonies, stating in effect that His Majesty's Government propose to submit to His Majesty the King an Order in Council authorising the publication of dissenting opinions in the Judicial Committee of the Privy Council. Mr. Harcourt states that he would be glad to know whether Your Royal Highness's Ministers concur in this proposal, and he adds that they will no doubt ascertain the views of the Provincial Governments on the subject.

The Minister of Justice observes that it has been ascertained upon enquiry of the local Governments that Ontario concurs in the proposal; Quebec, Prince Edward Island, and Saskatchewan express themselves in its favour; New Brunswick approves, while British Columbia and Alberta have no objection. On the other hand, Nova Scotia and Manitoba are opposed to the proposal: the former upon the ground that no useful purpose would be served by the publication of dissenting opinions in any Court of final resort, and the latter for the reason that the publication of dissenting opinions is inadvisable.

The Minister of Justice, upon careful consideration, is unable to escape the conclusion that it would not be in the public interest to introduce any change in the ancient constitutional practice with regard to dissenting opinions. The value of the Judicial Committee of the Privy Council as a final Court of Appeal consists not only in the ultimate and decisive effect of its judgments as relating to the particular cases submitted and the parties; but more especially, since appeals to the Judicial Committee usually involve serious questions of law, often of great public importance, the decisions are of permanent advantage to the profession, and to the public generally. While as to the immediate suitors expression of dissent is of no material value, because it does not alter the result, it would serve in the more important aspect of the case, from the public point of view, to affect the interpretation or certainty of a judgment, and its quality as a determining precedent. Moreover, cases not infrequently go to the Judicial Committee in which public opinion is very deeply concerned. There are constitutional questions as between the Dominion and the Provinces; there are questions involving education having a religious aspect; there

* No. 137.

are cases involving racial differences, and others which may well be imagined, which cannot perhaps be acceptably determined except by a tribunal of the experience, learning, and impartiality which the Judicial Committee is universally acknowledged to possess and exercise. Recently it is becoming the practice for local judges to sit in the Committee, and the Minister cannot help feeling that it would be extremely unfortunate if it were made known that one of these cases had been determined by a bare majority depending upon the concurrence of a local judge. It might even perhaps be only less unfortunate that the local judge should consider it necessary to express dissent.

For these and other reasons which might be stated the Minister of Justice considers that effect cannot be given to Mr. Harcourt's proposal without in a measure impairing the dignity and influence of a tribunal which is the ultimate exponent of the law and constitution.

The Committee concur in the foregoing, and on the recommendation of the Secretary of State for External Affairs advise that Your Royal Highness may be pleased to transmit a copy hereof, if approved, to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BONDREAU,

Clerk of the Privy Council.

33247

No. 140.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 141.]

SIR,

Downing Street, 5 November, 1912.

WITH reference to the letter from this Department of the 4th July,* I am directed by Mr. Secretary Harcourt to request you to inform the Lord President of the Council that replies have now been received from the Officers Administering the Governments of the self-governing Dominions and the Australian States to the telegrams addressed to them on the subject of the proposed Order in Council respecting the publication of dissenting opinions by members of the Judicial Committee of the Privy Council.

With the exception of the Government of Canada all the Dominion and State Governments have expressed concurrence in the proposed Order in Council. I am to enclose a copy of a despatch† from the Officer Administering the Government of Canada, with an approved minute of the Privy Council of Canada, setting forth the grounds on which the Canadian Government are unable to approve the proposal.

In view of the attitude of the Canadian Government, Mr. Harcourt feels that the Order should not be proceeded with without again consulting the other Dominions. He would therefore propose, subject to any observations which the Lord President may have to offer, to communicate the despatch from the Officer Administering the Government of Canada to the other Governments concerned and to inform them that, pending a further expression of their opinions, it is not proposed to take any action in the matter.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

36054

No. 141.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 14 November, 1912.)

SIR,

London, S.W., 13th November, 1912.

REFERRING to your letter of the 5th instant (No. 33247/1912),‡ enclosing a copy of a despatch from the Officer Administering the Government of Canada, setting

* No. 138.

† No. 139.

‡ No. 140.

forth the grounds on which the Canadian Government are unable to approve the proposed Order in Council authorising the publication of dissentient opinions by Members of the Judicial Committee of the Privy Council, I am directed by the Lord President of the Council to state that His Lordship concurs in the course which Mr. Secretary Harcourt proposes to pursue in the matter.

I am to add that the Lord Chancellor has seen the papers and expressed his concurrence in the steps proposed to be taken.

I am, &c.,

ALMERIC FITZROY.

36653

No. 142.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 786.)	(Western Australia. No. 128.)
(Australia. No. 482.)	(Tasmania. No. 106.)
(New South Wales. No. 154.)	(Union of South Africa. No. 556.)
(Victoria. No. 133.)	(New Zealand. No. 341.)
(Queensland. No. 122.)	(Newfoundland. No. 231.)
(South Australia. No. 108.)	

[SIR.]

Downing Street, 15 November, 1912.

[MY LORD.]

WITH reference to my despatch, No. [991] [549] [169] [133] [124] [109] [110] [88] [653] [409] [285], of the 22nd of December, 1911,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of the Appellate Jurisdiction Bill as re-introduced into the House of Commons.

I have, &c.,

L. HARCOURT.

36054

No. 143.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Privy Council Office, 25 November, 1912. L.F.]

(Australia. No. 483.)	(Western Australia. No. 130.)
(New South Wales. No. 156.)	(Tasmania. No. 108.)
(Victoria. No. 135.)	(Union of South Africa. No. 564.)
(Queensland. No. 124.)	(New Zealand. No. 347.)
(South Australia. No. 110.)	(Newfoundland. No. 235.)

[MY LORD] [SIR.]

Downing Street, 21 November, 1912.

WITH reference to

[Your Excellency's telegram of the 3rd September,†]

[your telegram of the 17th of July,§]

[your telegram of the 17th of July,||]

[your telegram of the 31st of August,¶]

[your telegram of the 8th of August,**]

[your telegram of the 13th of July,††]

[your telegram of the 8th of July,‡‡]

[Lord de Villiers's despatch, No. 484, of the 22nd of July,§§]

[your telegram of the 9th of July,||||]

[Sir W. Horwood's despatch, No. 52, of the 15th of July,¶¶]

I have the honour to transmit to [Your Excellency] [you], to be laid before your

* 39091 : not printed.	‡ 27932 : not printed.	§ 22400 : not printed.
† 22401 : not printed.	§ 27449 : not printed.	¶ 21991 : not printed.
†† 21942 : not printed.	|| 21224 : not printed.	¶¶ 25188 : not printed.
|| 21545 : not printed.	¶¶ 23349 : not printed.	

Ministers, the accompanying copy of a despatch* from the Deputy Governor-General of the Dominion of Canada, explaining the views of his Government on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

2. In view of the importance of uniformity in this matter and having regard to the weighty considerations urged by the Privy Council of the Dominion of Canada in favour of the maintenance of the existing arrangement, I propose to postpone taking further action in the matter until I have received an expression of the wishes of your Ministers on the question.

I have, &c.,

L. HARCOURT.

36054

No. 144.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Privy Council Office, November 29, 1912. L.F.]

(No. 799.)

SIR,

Downing Street, 21 November, 1912.

I HAVE the honour to acknowledge the receipt of Sir Charles Fitzpatrick's despatch, No. 551, of the 10th of October,* forwarding a Minute of the Privy Council for Canada on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

2. In view of the important considerations urged by Your Royal Highness's Ministers, I have thought it desirable to forward a copy of your despatch to the Governors-General and Governors of the other self-governing Dominions and the Australian States, and have asked them to obtain from their Ministers a further expression of their views on this question.

3. I enclose a copy of my despatch.†

I have, &c.,

L. HARCOURT.

40376

No. 145.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 21 December, 1912.)

[Answered by No. 159.]

(Confidential.)

Government House, Wellington, New Zealand,

15th November, 1912.

SIR,

I HAVE the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister, on the subject of the representation of New Zealand on the Judicial Committee of the Privy Council.

2. It will be observed that in his memorandum the Prime Minister suggests Sir Joshua Williams, who is a distinguished and experienced member of the Judicial Bench of this Dominion, as the representative of New Zealand on the Judicial Committee.

I have, &c.,

ISLINGTON,

Governor.

* No. 139.

† No. 143.

Enclosure in No. 145.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Re Representation of New Zealand on Judicial Committee of Privy Council.

The Prime Minister presents his compliments, and with reference to his conversation yesterday with His Excellency, desires to say that the Chief Justice of the Commonwealth of Australia is a member of the Privy Council, and so is Sir S. Way, Chief Justice of South Australia. The Crown Law Officers state (although upon this point they are not quite certain) that Indian judges, when living in England, sit with the Judicial Committee of the Privy Council when Indian appeals are being heard.

The present Lord Chancellor is, the Prime Minister understands, anxious to bring our ultimate Court of Appeal into closer touch with the Colonies. The Honourable Mr. Bell, K.C., has informed the Prime Minister that Lord Haldane wrote to him some time ago upon the same subject, suggesting that it would be a very good thing if New Zealand had a representative on the Judicial Committee when appeals were being heard.

The Prime Minister respectfully desires to represent that Sir Joshua Williams is a distinguished and experienced member of the Colonial Bench, and that the present time is a very good opportunity of initiating very useful reform in this connection.

The Prime Minister therefore respectfully requests that His Excellency will be so good as to communicate with the Imperial Government upon the subject.

W. F. MASSEY.

Prime Minister's Office,
Wellington.

November 9th, 1912.

40376

No. 146.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 147.]

SIR, Downing Street, 13 January, 1913.

With reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord President of the Council, the accompanying copy of a despatch* from the Governor of New Zealand, on the subject of the representation of that Dominion on the Judicial Committee of the Privy Council.

2. Mr. Harcourt will be glad to receive any observations which the Lord President and the Lord Chancellor may have to offer on this despatch.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

4520

No. 147.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 7th February, 1913.)

SIR, Privy Council Office, 7th February, 1913.

REFERRING to your letter of the 13th ultimo (40376/1912),† addressed to the Registrar of the Privy Council, on the subject of the representation of the Dominion of New Zealand on the Judicial Committee of the Privy Council, I am directed by the Lord President of the Council to state, for the information of Mr. Secretary Harcourt, that his Lordship has been in communication with the Lord Chancellor on the matter, and that, in the opinion of the latter, the difficulty will be best met by means of an amendment of the Judicial Committee Amendment Act, 1895, increas-

* No. 145.

† No. 146.

ing the number of persons who may be appointed under Section I (2) of that Act from five to six or seven. An opportunity for making such an amendment will occur in connection with the Appellate Jurisdiction Bill now before Parliament.

I am to add that it has been suggested to the Lord Chancellor that, when the amendment in question is made, the draftsman of the Bill might be instructed, at the same time, by some modification of Section I (1) of the Act of 1895, so to regulate the manner of making appointments under that Section as to render it possible to distribute the number more evenly among the several self-governing Colonies.

I am, &c.,

ALMERIC FITZROY.

5658

No. 148.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17 February, 1913.)

[Answered by No. 153.]

(No. 61.)

SIR,

Governor-General's Office, Cape Town, 29 January, 1913.

I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 564, of the 21st November, 1912,* a copy of a minute, No. 76, from Ministers, dated 28th January, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 148.

(Minute, No. 76.)

Prime Minister's Office, Cape Town, 28th January, 1913.

Ministers have the honour to acknowledge the receipt of minute, No. 48/334, dated 19th December, 1912, from His Excellency the Governor-General covering copy of despatch, No. 564, of the 21st November last, from the Right Honourable the Secretary of State for the Colonies on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

In reply, Ministers have the honour to inform His Excellency that they are of opinion that members of the Judicial Committee of the Privy Council who dissent from the judgment of that body should be accorded an opportunity of stating publicly the reasons for their dissenting judgment, and in that opinion Ministers are supported by high judicial authorities in the Union.

LOUIS BOTHA.

6626

No. 149.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 24 February, 1913.)

[Answered by No. 153.]

(No. 11.)

SIR,

Government House, Perth, 24th January, 1913.

With reference to your despatch, No. 130, of 21st November, 1912,* relative to the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour to inform you that my Ministers have intimated that they are convinced of the soundness and wisdom of the views entertained by the Canadian Minister for Justice.

* No. 143.

2. It is considered that anything prejudicial to the certainty and dignity of the judgments of the Judicial Committee of the Privy Council would be a mistake, and it is recognised that the unimpaired importance of the judgments of that tribunal has its effect in preserving the lofty tone and dignity of the Australian Federal High Court of Justice.

I have, &c.,
G. STRICKLAND,
Governor.

(Copy to Governor-General.)

8780

No. 150.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 15 March, 1913.)

[Answered by No. 153.]

(No. 18.)

Sir,

Wellington, 7th February, 1913.

WITH reference to your despatch, No. 347, of the 21st November,* forwarding a copy of a despatch from the Deputy Governor-General of the Dominion of Canada giving the views of his Government on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, and asking for an expression of the wishes of my Government on the subject, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from the Prime Minister explaining the views of my Ministers on this question.

I have, &c.,
LIVERPOOL,
Governor.

Enclosure in No. 150.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington.

3rd February, 1913.

The Prime Minister presents his compliments and, in reply to despatch, No. 347, of the 21st November, 1912,* from the Right Honourable the Secretary of State for the Colonies, requesting an expression of the wishes of His Excellency's Ministers on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, desires to acquaint His Excellency that Ministers have given careful consideration to the question, and have arrived at the conclusion that the practice hitherto followed in regard to dissenting opinions should not be departed from. They consider that the practice of rendering a single judgment and excluding the expression of dissenting judgments is beneficial and an advantage, as the single judgment prepared by one judge and revised by all the others is generally worded with precision, and is so expressed as to be a guide to lawyers.

His Excellency's Ministers are also of opinion that the publication of the one judgment of the Privy Council is authoritative and conclusive, and affords no support to anyone who doubts its wisdom. They think that the publication of dissenting judgments would tend to keep a controversy alive that would probably cease if the single judgment only were published; and that, in any case, there is little utility in publishing opinions which for all practical purposes must be regarded as unsound.

W. F. MASSEY,
Prime Minister.

* No. 143.

9808

No. 151.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 22 March, 1913.)

(No. 24.)

Sir,

Government House, St. John's, 26th February, 1913.

WITH reference to your despatch, No. 235, of date 21st November last,* I have the honour to transmit copy of a letter received from the Colonial Secretary expressing the views of my Ministers on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,
W. E. DAVIDSON.

Enclosure in No. 151.

Colonial Secretary's Office, St. John's, Newfoundland,

February 25, 1913.

Sir,

REFERRING to despatch, No. 235, of date 21st November last,* from the Right Honourable the Secretary of State for the Colonies, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour to intimate that, inasmuch as the practice followed by the Judicial Committee of the Privy Council in delivering its judgments, namely, to record the judgment of a majority of the Council and the judgment of the Court, and to refrain from publishing the opinions of any judge who may dissent, has been in operation for many years, and apparently has been satisfactory to litigants and to the public, Ministers are of opinion that it is not advisable, and it would not be in the public interest, to change this practice by permitting the publication of the reasons of any member of the Council who may dissent from its judgments. It is to the interest of the public that there should be finality of litigation, and, in the opinion of Your Excellency's Ministers, this finality will be better secured by continuing the present practice of the Council than by permitting the publication of dissenting opinions.

I have, &c.,
R. WATSON,
Colonial Secretary.

His Excellency

Walter Edward Davidson, Esquire,
C.M.G., &c., &c., &c.,
Governor.

11539

No. 152.

SOUTH AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7th April, 1913.)

(No. 10.)

Sir,

Government House, Adelaide, 5th March, 1913.

WITH reference to your despatch, No. 110, of the 21st November, 1912,* I have the honour to forward copies of minutes by the Right Honourable the Chief Justice of this State, Sir S. J. Way, dated 30th July, 1912, and 27th February, 1913, and also copy of minutes by the Honourable the Attorney-General and the Honourable the Acting Premier, from which it will be seen that Ministers concur in the views expressed by the Chief Justice.

I have, &c.,
DAY H. BOSANQUET,
Governor.

* No. 143.

Enclosure 1 in No. 152.

Returned to the Honourable the Chief Secretary.

In the House of Lords the practice as to Appeals is that on a motion that the Judgment of the House be in a particular form, the Law Lords deliver "speeches" for or against the motion, which is determined by the majority.

In the Judicial Committee of the Privy Council, which is a "Board," the resolution of the Committee as to what His Majesty's decision should be on the Judgment appealed from is made by the Committee as a whole. The reasons for the recommendation are drafted by one of the Members, usually chosen in rotation; and if necessary the draft is altered so as to express the opinion on the matters in question of the whole or a majority of the Committee; but the opinion of the dissentients (if any) is not given, and the recommendation goes on from the Committee as a whole.

In the Supreme Court of the United States the Judgment of the Court—either of the whole bench or of a majority thereof—is first delivered, and then the opinion of the dissentient Judges (if any).

At the Imperial Conference of 1911 one of the resolutions passed was in favour of adopting in the Judicial Committee the practice as to opinions of dissentient Judges of the Supreme Court of the United States. I think this a fair compromise between the practice of the House of Lords and of the Judicial Committee, and I respectfully recommend the concurrence therein of this Government.

S. J. W.,
C. J.

30 July, 1912.

Enclosure 2 in No. 152.

Returned to the Honourable the Attorney-General.

I have already given an opinion on this question in my minute of 30 July, 1912. The Report of the Privy Council of Canada, however, introduces a fresh argument into the discussion. The decisions of the Privy Council have given general satisfaction in Australia and in other parts of the Colonial Empire. The arguments against a change in the procedure are very weighty, and I think in the face of them Australia ought not to press for the change of procedure as to the delivering of dissentient judgments recommended by the Imperial Conference of 1911.

It is noticeable that the practice in the United States apparently has not been attended with the disadvantages anticipated in Manitoba and by the Privy Council of Canada. But, on the other hand, one can perceive that questions may arise in Australia as well as in Canada of a constitutional, economic, or social character, in which a ready submission to the Court of Final Appeal would be prevented by the publication of powerful dissentient opinions—quite outweighing their only advantage as contributions to the science of jurisprudence.

S. J. W.,
C. J.

27 February, 1913.

Enclosure 3 in No. 152.

To the Honourable the Premier, calling attention to the opinion of His Honour the Chief Justice, dated 27 February, 1913, in which he confirms the opinion previously expressed (dated 30 July, 1912).

I see no reason for deviating from the course which His Honour has suggested.

February 28, 1913.

H. H.,
A. G.

Enclosure 4 in No. 152.

Respectfully returned to His Excellency the Governor with minute by the Right Honourable the Chief Justice, with which Ministers concur.

3 March, 1913.

R. BUTLER,
Acting Premier.

8780

No. 153.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 264.)
(Australia. No. 212.)
(New South Wales. No. 61.)
(Victoria. No. 43.)
(Queensland. No. 42.)
(South Australia. No. 36.)

(Western Australia. No. 47.)
(Tasmania. No. 40.)
(New Zealand. No. 130.)
(Union of South Africa. No. 152.)
(Newfoundland. No. 85.)

[MY LORD][SIR].

Downing Street, 9 April, 1913.

WITH reference to [my despatch, No. (799) (488) (156) (135) (124) (110), of the 21st of November*] [Sir Gerald Strickland's despatch, No. 11, of the 24th of January†] [my despatch, No. 108, of the 21st of November*] [your despatch, No. 18, of the 7th of February‡] [Your Excellency's despatch, No. 61, of the 29th of January§] [my despatch, No. 235, of the 21st of November*], I have the honour to transmit to [Your Excellency] [you], [for the information of] [to be laid before] your Ministers, the accompanying copies of despatches from [the Governor-General of the Union of South Africa] and the Governors [of New Zealand] and [of Western Australia], on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,
L. HARCOURT.

11539

No. 154.

COLONIAL OFFICE TO PRIVY COUNCIL OFFICE.

Downing Street, 12 April, 1913.

SIR,

WITH reference to the letter from this Department of the 25th November last,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lord President of the Council, copies of replies** which have been received from the Officers Administering the Governments of the self-governing Dominions and States noted in the margin to the despatches addressed to them on the 21st November last,* on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

12455

No. 155.

TASMANIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 14 April, 1913.)

[Copy to Privy Council Office, April 21, 1913. L.F.]

[Answered by No. 161.]

(No. 13.)

Government House, Hobart, Tasmania,

8th March, 1913.

Sir,

WITH reference to your despatch, No. 108, of the 21st November, 1912,* on the subject of the publication of dissenting opinions in the case of judgments

* No. [143] [144]. † No. 149. ‡ No. 150. § No. 148. | Nos. 148, 149 and 150.
* L.F. transmitting copy of No. 143. ** Nos. 148 to 152.

delivered by the Judicial Committee of the Privy Council, I have the honour to transmit the enclosed communication which I have received from the Premier on the subject.

I have, &c.,
HARRY BARRON,
Governor.

(No copy to Governor-General.)

Enclosure in No. 155.

(192/1/1913.)

YOUR EXCELLENCY, Premier's Office, Hobart, 28th February, 1913.
REFERRING to the accompanying correspondence from the Secretary of State for the Colonies, dated the 21st November last, No. 108, with regard to the question of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour to inform Your Excellency that your Ministers now agree with the views expressed by the Privy Council of the Dominion of Canada on this subject.

I have, &c.,
G. H. BUTLER,
for Premier.

His Excellency
The Governor.

13084

No. 156.
CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.35 p.m., 17th April, 1913.)

TELEGRAM.

[Answered by No. 158.]

My Ministers would be glad to receive as soon as possible copy Appellants' Jurisdiction Bill introduced by Lord Chancellor on 15th, together with copy of his speech. They trust that there will be opportunity given for them to make any suggestions or observations thereon which may appear desirable.—C. FITZPATRICK.

13084

No. 157.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Privy Council Office, April 24, 1913. L.F.]

(Australia. No. 238.)	(Western Australia. No. 49.)
(New South Wales. No. 67.)	(Tasmania. No. 44.)
(Victoria. No. 47.)	(New Zealand. No. 149.)
(Queensland. No. 46.)	(Union of South Africa. No. 168.)
(South Australia. No. 39.)	(Newfoundland. No. 99.)

[Sir] [My Lord],

Downing Street, 18th April, 1913.
WITH reference to my despatch, No. (482) (154) (133) (122) (108) (128) (106) (341) (556) (231), of the 15th November last,* I have the honour to transmit to [you] [Your Excellency], to be laid before your Ministers, a copy of the Appellate Jurisdiction Bill† as introduced in the House of Lords on the 15th instant, together with a copy of amendments which are proposed to be made in it.

I have, &c.,
L. HARCOURT.

* No. 142.

† Not reprinted.

13084

No. 158.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Privy Council Office, April 24, 1913. L.F.]

(No. 310.)

SIR,

Downing Street, 19th April, 1913.

WITH reference to Your Excellency's telegram of the 17th instant,* I have the honour to transmit to you, to be laid before your Ministers, a copy of the Appellate Jurisdiction Bill as introduced in the House of Lords on the 15th instant, together with a copy of amendments which are proposed to be made in it.

2. I also enclose a copy of the Lord Chancellor's speech† as reported in the "Times," the Hansard not being yet available.

3. I shall be glad if you will explain to your Ministers that the changes which have been made in the Bill since the draft of 1912 was forwarded to you in my despatch, No. 786, of the 15th of November, 1912,† are intended to carry out the assurances given by the representatives of His Majesty's Government at the Imperial Conference (see pp. 240, 241 of [Cd. 5745]) that arrangements would be made to allow of a Judge from New Zealand taking part in the hearing and decision of appeals brought to the Privy Council from the Courts of that Dominion. Under the terms of the Judicial Committee Amendment Act, 1895, provision is made only for five Judges of the overseas Dominions being at any one time members of the Judicial Committee, and as all five vacancies are at present filled, it was necessary, with a view to meet the wishes of the New Zealand Government, to increase the number to seven. It has also been considered advisable to empower His Majesty by Order in Council to regulate the order in which persons qualified to become members of the Judicial Committee under the Act are to become members, so as to secure, as far as possible, an equal distribution of the members among the Dominions to which the Act relates. As your Ministers are aware, at present the distribution is, as a result of the automatic operation of the Act of 1895, very unevenly divided. Canada and the Union of South Africa having each one representative on the Judicial Committee, and the Commonwealth of Australia having three, while New Zealand and Newfoundland have no representative.

4. The other amendments are consequential on the substitution of the Union of South Africa for the four Colonies which were in existence when the Acts of 1895 and 1908 regarding the Judicial Committee were passed.

I have, &c.,
L. HARCOURT.

13084

No. 159.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF AUSTRALIA AND THE GOVERNOR OF NEW ZEALAND.

(Sent 1.55 p.m., 22nd April, 1913.)

TELEGRAM.

[Copy to Privy Council Office, April 24, 1913. L.F.]

[Answered by No. 170.]

Please inform your Ministers Appellate Jurisdiction Bill introduced into the House of Lords April 15th differs from Bill enclosed in my despatch 15th November† by addition of provision increasing number of judges of Oversea Dominions who may be members of Committee to seven, and authorizing Crown to regulate order in which qualified persons shall become members of Committee so as to secure as far as possible equal distribution of members among Dominions.

[To Australia only: Amendment intended to carry out undertaking given to Prime Minister New Zealand, Imperial Conference, 1911, to allow addition of New Zealand judge. Position of existing judges will not be affected.]

[To New Zealand only: Amendment intended to enable His Majesty's Government give effect to request in your confidential despatch 15th November, 1912,§ as at present all vacancies on Judicial Committee are filled.]

Copies of Bill sent by mail 18th April.||—HARCOURT.

* No. 156.

† Not reprinted.

‡ No. 142.

§ No. 145.

|| No. 157.

13084

No. 160.

THE SECRETARY OF STATE TO THE GOVERNORS AND GOVERNOR-GENERAL.

[Copy to Privy Council Office, April 24, 1913. L.F.]

(New South Wales. No. 68.)	(Western Australia. No. 51.)
(Victoria. No. 49.)	(Tasmania. No. 45.)
(Queensland. No. 48.)	(Union of South Africa. No. 173.)
(South Australia. No. 42.)	(Newfoundland. No. 101.)

[Sir] [My Lord],

Downing Street, 23 April, 1913.

With reference to my despatch, No. [67] [47] [46] [39] [49] [44] [168] [99], of the 18th of April,* transmitting copies of the Appellate Jurisdiction Bill, I have the honour to request that [you] [Your Excellency] will explain to your Ministers that the changes which have been made in the Bill since the draft of 1912 was forwarded to you in my despatch, No. [154] [133] [122] [108] [128] [106] [556] [231], of the 15th of November, 1912,† are intended to carry out the assurances given by the representatives of His Majesty's Government at the Imperial Conference (see pages 240, 241, of [Cd. 5745]) that arrangements would be made to allow of a judge from New Zealand taking part in the hearing and decision of appeals brought to the Privy Council from the courts of that Dominion. Under the terms of the Judicial Committee Amendment Act, 1895, provision is made only for five judges of the Oversea Dominions being at any one time members of the Judicial Committee, and as all five vacancies are at present filled, it was necessary, with a view to meet the wishes of the New Zealand Government, to increase the number to seven. It has also been considered advisable to empower His Majesty by Order in Council to regulate the order in which persons qualified to become members of the Judicial Committee under the Act are to become members, so as to secure as far as possible an equal distribution of the members among the Dominions to which the Act relates. As your Ministers are aware, at present the distribution is, as a result of the automatic operation of the Act of 1895, very unevenly divided, Canada and the Union of South Africa having each one representative on the Judicial Committee, and the Commonwealth of Australia having three, while New Zealand and Newfoundland have no representative.

2. The other amendments are consequential on the substitution of the Union of South Africa for the four Colonies which were in existence when the Acts of 1895 and 1908 regarding the Judicial Committee were passed.

I have, &c.,

L. HARCOURT.

12455

No. 161.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 317.)	(Western Australia. No. 53.)
(Australia. No. 246.)	(Tasmania. No. 47.)
(New South Wales. No. 70.)	(New Zealand. No. 156.)
(Victoria. No. 51.)	(Union of South Africa. No. 180.)
(Queensland. No. 50.)	(Newfoundland. No. 104.)
(South Australia. No. 44.)	

Sir,

My Lord,

Downing Street, 23 April, 1913.

With reference to [my despatch, No. (264) (212) (61) (43) (42), of the 9th April,‡] [your despatch, No. 10, of the 5th March,§] [my despatch, No. 47, of the 9th April,‡] [Sir Harry Barron's despatch, No. 13, of the 8th of March,‡] [my despatch, No. (130) (152), of the 9th April,‡] [your despatch, No. 24, of 26th February,‡] I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of despatches** from the

* No. 157.
† No. 155.

‡ No. 142.
§ No. 151.

‡ No. 153.
** Nos. 151, 152 and 155.

§ No. 152.

Governors of [Newfoundland] [South Australia] and [Tasmania], on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,

L. HARCOURT.

18606

No. 162.

NEW SOUTH WALES.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 2 June, 1913.)

[Copy to Privy Council Office, 10 June, 1913. L.F.]

(No. 74.)

State Government House,

Sydney, 24th April, 1913.

Sir,

With reference to your despatch, No. 156, of the 21st November, 1912,* on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour to report that my Ministers have obtained on this question an expression of the opinion of the Council of the Bar and of the Incorporated Law Institute of New South Wales.

2. Both the above bodies have expressed the opinion that it would be more advantageous if the practice heretofore followed by the Privy Council should continue.

3. My Ministers have advised me that they are not now in favour of the proposed alteration indicated in the telegraphic despatch received by Lord Chelmsford from Mr. Harcourt on the 4th July last.†

I have, &c.,

G. STRICKLAND,

Governor.

18606

No. 163.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 488.)	(Western Australia. No. 77.)
(Australia. No. 377.)	(Tasmania. No. 67.)
(Victoria. No. 80.)	(New Zealand. No. 240.)
(Queensland. No. 73.)	(Union of South Africa. No. 281.)
(South Australia. No. 64.)	(Newfoundland. No. 161.)

[Sir] [My Lord],

Downing Street, 30 June, 1913.

With reference to my despatch, No. [317] [246] [51] [50] [44] [53] [47] [156] [180] [104], of the 25th April,‡ I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a despatch§ from the Governor of New South Wales, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,

L. HARCOURT.

25913

No. 164.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 28 July, 1913.)

(No. 43.)

Sir,

State Government House, Melbourne, 25th June, 1913.

With reference to your despatch, No. 135, of the 21st November, 1912,* and to previous correspondence, I have the honour to inform you that my Ministers,

* No. 143.

† No. 137.

‡ No. 161.

§ No. 162.

having reconsidered the subject, agree with the views expressed by the Government of Canada, respecting the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,
JOHN FULLER.

(A copy of this despatch has been sent to the Governor-General.)

25913

No. 165.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

SIR, Downing Street, 14 August, 1913.
WITH reference to the letter from this Department of the 10th of June,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lord President of the Council, a copy of the reply† which has been received from the Governor of Victoria to the despatch addressed to him on the 21st of November last,‡ on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

25913

No. 166.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 618.)	(Western Australia. No. 94.)
(Australia. No. 468.)	(Tasmania. No. 86.)
(New South Wales. No. 136.)	(New Zealand. No. 307.)
(Queensland. No. 92.)	(Union of South Africa. No. 340.)
(South Australia. No. 79.)	(Newfoundland. No. 211.)

SIR, Downing Street, 14 August, 1913.
[MY LORD,]

WITH reference to
[my despatch, No. (488) (377), of the 30th of June§],
[your despatch, No. 74, of the 24th of April||],
[my despatch, No. (73) (64) (77) (67) (240) (281) (161), of the 30th June§]
I have the honour to transmit to [Your Excellency], [you], for the information of your Ministers, a copy of a despatch† from the Governor of Victoria on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.
2. [To Australia and Queensland.—I should be glad to learn whether your Ministers are yet in a position to inform me of their views on the subject.]

I have, &c.,
L. HARCOURT.

29544

No. 167.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25 August, 1913.)

[Answered by No. 168.]

(No. 54.)

SIR, Government House,
Perth, 24th July, 1913.
WITH reference to your despatch, No. 53, of 25th April, 1913,‡ on the subject of the publication of dissenting opinions in the case of judgments delivered by the

* L.F. transmitting copy of No. 162. † No. 164. ‡ No. 143. § No. 163.
|| No. 162. ¶ No. 161.

Judicial Committee of the Privy Council, I have the honour to report that my Ministers have intimated that they are of opinion that the practice hitherto followed—viz. : that the reasons of the judges should be individually expressed, and that the opinions of the dissentient judges (if any) also be given—should continue to be followed.

I have, &c.,
HARRY BARRON,
Governor.

29544

No. 168.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 103.)

SIR, Downing Street, 5 September, 1913.
I HAVE the honour to acknowledge the receipt of your despatch, No. 54, of the 24th July,* respecting the question of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.
2. In reply, I have to point out that the opinions of dissentient members of the Judicial Committee have not hitherto been published, and that the existing practice is to deliver and publish a single judgment.
3. I would further observe that your predecessor, in his despatch, No. 11, of the 24th January last,† reported that Ministers were opposed to the publication of dissenting opinions.

I have, &c.,
L. HARCOURT.

31035

No. 169.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 711.)	(Western Australia. No. 105.)
(Australia. No. 533.)	(Tasmania. No. 96.)
(New South Wales. No. 152.)	(New Zealand. No. 355.)
(Victoria. No. 116.)	(Union of South Africa. No. 381.)
(Queensland. No. 104.)	(Newfoundland. No. 244.)
(South Australia. No. 95.)	

[SIR] [MY LORD,] Downing Street, 18 September, 1913.

WITH reference to
[my despatch, No. 310, of the 19th April‡]
[my despatch, No. 238, of the 18th April§]
[my despatch, No. (68) (49) (48) (42) (51) (45), of the 23rd April||]
[my despatch, No. 149, of the 18th April§]
[my despatch, No. 173, of the 23rd April||]
[your despatch, No. 91, of the 9th June¶]
I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of the Appellate Jurisdiction Act, 1913 [3 & 4 Geo. 5, Ch. 21], of the Imperial Parliament.

I have, &c.,
L. HARCOURT.

* No. 167. † No. 149. ‡ No. 158. § No. 157.
|| No. 160. ¶ 21362: not printed.

Enclosure in No. 169.
APPELLATE JURISDICTION ACT, 1913.
CHAPTER 21.

A.D. 1913. AN ACT to make further provision with respect to the number and duties of Lords of Appeal in Ordinary, and with respect to the constitution of the Court of Appeal and the Judicial Committee of the Privy Council.

[15th August, 1913.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Additional
Lords of
Appeal.
39 & 40
Vict. c. 59.

1. His Majesty may appoint two Lords of Appeal in Ordinary under section six of the Appellate Jurisdiction Act, 1876, in addition to the four Lords of Appeal in Ordinary whom he may appoint under sections six and fourteen of that Act and the law relating to the appointment and qualifications of Lords of Appeal under the said section six, and to their duties and tenure of office, their rank, salary, and pension, and otherwise, shall apply to any Lord of Appeal appointed under this section: Provided that the sum paid in salaries in any one year to the Lords of Appeal in Ordinary appointed under this Act shall in no case exceed twelve thousand pounds.

Lords of
Appeal to
be *ex-officio*
judges of
Court of
Appeal.

2. Every Lord of Appeal in Ordinary, whether appointed before or after the passing of this Act, who at the date of his appointment would have been qualified to be appointed an ordinary judge of the Court of Appeal, or who at that date was a judge of that Court shall be an *ex-officio* judge of that Court, but no such Lord of Appeal shall be required to sit and act as a judge of the Court of Appeal unless upon the request of the Lord Chancellor he consents so to do, and whilst so sitting and acting he shall rank therein according to his precedence as a peer.

Provisions
as to
colonial
judges
becoming
members
of the
Judicial
Com-
mittee.
58 & 59
Vict. c. 44.

3.—(1) The maximum number of persons (being, or having been, judges in certain parts of His Majesty's dominions) who may become members of the Judicial Committee of the Privy Council by reason of the Judicial Committee Amendment Act, 1895, as amended by any subsequent enactment shall be increased from five to seven, and accordingly seven shall be substituted for five in subsection (2) of section one of that Act.

(2) Section one of the said Act shall have effect as if the persons named therein included any person being or having been Chief Justice or a Judge of the Supreme Court of South Africa.

(3) His Majesty may, by Order in Council, regulate the order in which the persons qualified to become members of the Judicial Committee under the said Act as so amended are to become members thereof, so as to secure, as far as possible, an equal distribution of such members amongst the various parts of His Majesty's dominions to which the Act so amended relates.

8 Edw. 7,
c. 51.

(4) The enactments mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and in the schedule to the Appellate Jurisdiction Act, 1908, for the words "Cape of Good Hope, Natal, Transvaal, Orange River Colony" there shall be substituted the words "the Union of South Africa."

Short title.

4. This Act may be cited as the Appellate Jurisdiction Act, 1913.

Schedule.
Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
58 & 59 Vict. c. 44 ...	The Judicial Committee Amendment Act, 1895.	In section one, the words "or either of the South African Colonies mentioned in the said schedule," In the schedule, the words "South African Colonies, Cape of Good Hope, Natal."
8 Edw. 7, c. 51 ...	The Appellate Jurisdiction Act, 1908.	Subsection (2) of section three.

33347

No. 170.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.38 a.m., 25th September, 1913.)

TELEGRAM.

[Answered by No. 171.]

Confidential. Your telegram 22nd April.* Am desired by Prime Minister to ask whether it has been now definitely decided to appoint judge of the Supreme Court of New Zealand to be member of Judicial Committee of Privy Council, and, if so, whether the person named in my predecessor's Confidential despatch, 15th November, 1912,† will be acceptable.—LIVERPOOL.

33347

No. 171.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.10 p.m., 18 October, 1913.)

TELEGRAM.

[Answered by No. 172.]

Your telegram 25 September.‡ His Majesty has been pleased to direct that Sir Joshua Williams shall be sworn of His Majesty's Privy Council.—HARCOURT.

36650

No. 172.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12 noon, 23rd October, 1913.)

TELEGRAM.

[Answered by 37673: not printed.]

Your telegram 18th October.§ My Ministers conclude that Sir Joshua Williams has been appointed under the enactments of the Appellate Jurisdiction Bill. Please telegraph whether requirements of appointment will necessitate person named permanently residing in the United Kingdom; and, if so, when his duties will require his presence in England.—LIVERPOOL.

36650

No. 173.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by 37673: not printed.]

SIR,

Downing Street, 25 October, 1913.

With reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord President of the Council, copies of telegraphic correspondence with the Governor of New Zealand, regarding

* No. 159.

† No. 145.

‡ No. 170.

§ No. 171.

| Nos. 170, 171 and 172.

the appointment of the Honourable Sir Joshua Williams to be a member of the Judicial Committee of the Privy Council.

2. Mr. Harcourt proposes, with the concurrence of the Lord President and the Lord Chancellor, to inform the Governor that Sir J. Williams's appointment has been made in order that he may be able to take part in the hearing of appeals from New Zealand, in accordance with the desire expressed by the Government of the Dominion at the Imperial Conference of 1911; that his appointment does not impose any obligation of permanent residence in the United Kingdom; and that the question of his proceeding to this country only arises when appeals are to be heard in connection with which his presence on the Judicial Committee may be desirable.

I am, &c.,
H. W. JUST.

36561

No. 174.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(New South Wales. No. 181.)	(Canada. No. 816.)
(Victoria. No. 132.)	(Australia. No. 665.)
(Queensland. No. 120.)	(New Zealand. No. 428.)
(South Australia. No. 113.)	(Union of South Africa. No. 467.)
(Western Australia. No. 121.)	(Newfoundland. No. 304.)
(Tasmania. No. 108.)	

[Sir] [My Lord],

Downing Street, 31 October, 1913.

With reference to my despatch No. (152) (116) (104) (95) (105) (96) (711) (533) (355) (381) (244) of the 18th of September,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, extracts† from the "London Gazette" regarding the appointment of the Right Honourable Lord Dunedin and the Right Honourable Sir John Andrew Hamilton to be Lords of Appeal in Ordinary under Section 1 of the Appellate Jurisdiction Act, 1913.

2. I have to add that His Majesty has been graciously pleased to command that the Honourable Sir Joshua Williams, Puisne Judge of the Supreme Court of New Zealand, shall be sworn of His Majesty's most honourable Privy Council, and that under the terms of Section 3 (1) of the Appellate Jurisdiction Act, 1913, he will become a member of the Judicial Committee.

I have, &c.,
L. HARCOURT.

40162

No. 175.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 22 November, 1913.)

(No. 72.)

Sir,

Government House, Brisbane, 16th October, 1913.

With reference to your despatch, No. 92, of the 14th August,‡ transmitting a copy of a despatch from His Excellency the Governor of Victoria, on the subject of the publication of dissenting opinions in the case of judgments delivered by the

* No. 169.

† 21 October, 1913: not reprinted.

‡ No. 166.

Judicial Committee of the Privy Council, I have the honour to enclose herewith a copy of a letter I have received from my Premier, in which I am informed that the Queensland Government is not in favour of a change in the procedure that has hitherto been adopted in regard to the matter.

I have, &c.,
WM. MACGREGOR,
Governor.

Enclosure in No. 175.

Chief Secretary's Office,
Brisbane, 14th October, 1913.

Sir,

ADVERTING to a despatch, dated 14th August last, which Your Excellency has received from the Secretary of State for the Colonies, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour to inform Your Excellency that the Queensland Government is not in favour of a change in the procedure that has hitherto been adopted in regard to the matter.

I have, &c.,
D. DENHAM.

His Excellency the Governor,
Brisbane.

40162

No. 176.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 917.)	(Western Australia. No. 134.)
(Australia. No. 748.)	(Tasmania. No. 119.)
(New South Wales. No. 203.)	(New Zealand. No. 486.)
(Victoria. No. 148.)	(Union of South Africa. No. 542.)
(South Australia. No. 126.)	(Newfoundland. No. 343.)

[Sir],

Downing Street, 9 December, 1913.

[My Lord],

With reference to

[my despatch, No. (618) (468) 136], of the 14th August,*]

[Sir J. Fuller's despatch, No. 43, of the 25th June,†]

[my despatch, No. (79) (94) (86) (307) (340) (211), of the 14th August,*]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, a copy of a despatch‡ from the Governor of Queensland, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,
L. HARCOURT.

40162

No. 177.

COLONIAL OFFICE TO PRIVY COUNCIL OFFICE.

Sir,

Downing Street, 11 December, 1913.

With reference to the letter from this Department of the 14th August,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the

* No. 166.

† No. 164.

‡ No. 173.

§ No. 165.

Lord President of the Council, a copy of a despatch* from the Governor of Queensland, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

43023

No. 178.
AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 15 December, 1913.)

(No. 264.)

SIR, Governor-General's Office, Melbourne, 11th November, 1913.
WITH reference to your despatch dated 21st November, 1912, No. 488,† on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I have the honour, at the instance of my Prime Minister, to inform you that, while the arguments in favour of the proposed Order in Council for the establishment of an Imperial Appeal Court have very great weight, they seem to Ministers to apply more properly to a system under which the judges who form part of the majority as well as those who dissent from the decision of the majority may deliver individual opinions, as is done in the House of Lords.

2. Whatever the merits of that system may be, it is presumed by my Ministers that you do not desire an expression of opinion upon the difficult question whether they would outweigh the advantages of a concise statement of the law supported by reasons in which all the judges constituting the majority concur. The Commonwealth Government, however, do not view with favour an intermediate system such as that proposed, in which the right of individual expression of opinion is given to the minority and withheld from the majority.

3. It is considered that there is serious objection to a system of judicial determination in which the majority are obliged to sink any individual differences they may have in their mode of arriving at a common judgment, in order that they may concur in a definite exposition of the law as applied to the facts in any particular case, whilst the dissenting judges are left entirely untrammelled as to the arguments of a critical or destructive character which they may put forward.

4. The result, it is thought, would be to lend much greater force to the expression of the legal conclusions of the dissenting judges than would appear in the concurrent judgment of the Court—a result which would not add to the confidence of the public in the judgment of the Court of Final Appeal.

5. For the above reasons the Commonwealth Government do not concur in the proposal.

I have, &c.,
DENMAN,
Governor-General.

* No. 175.

† No. 143.

8.

(RESOLUTION X.): NATURALIZATION.

22495

No. 179.
AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 7.30 a.m., 18th July, 1912.)

TELEGRAM.

[Copy to Home Office, 6 August, 1912. L.F.]

Your despatch, 14th July (1911), No. 290.* Aliens Bill. Government of Commonwealth of Australia is prepared to adopt measure in its present form.—DENMAN.

28080

No. 180.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(Sent 4.45 p.m., 16th September, 1912.)

TELEGRAM.

[Answered by No. 181.]

My telegram 26th June† and previous correspondence. In order to meet undertaking given to Minister of Justice at recent conferences, His Majesty's Government propose to make following amendment at end of Clause 3 (1) of draft Naturalisation Bill:—

"Provided that this sub-section shall not take effect in any of the Dominions specified in the first schedule to this Act unless the Legislature of that Dominion adopt the sub-section."

It is desired to introduce Bill as soon as possible after House meets again, and I trust that I may receive earliest possible expression of views of your Ministers.—HARCOURT.

39833

No. 181.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 16 December, 1912.)
[Answered by No. 186.]

(No. 647.)

SIR, Government House, Ottawa, 4th December, 1912.
WITH reference to your telegram of the 16th September last,‡ respecting the Imperial draft Naturalization Bill, I have the honour to transmit, herewith, for your consideration, copies of an approved Minute of the Privy Council for Canada suggesting the advisability of making certain amendments to the said draft in lieu of the amendment suggested by you.

I have, &c.,
ARTHUR.

* No. 106 in Dominions No. 39.

† 7354: not printed.

‡ No. 180.

33407

H 3

Enclosure in No. 181.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 27TH NOVEMBER, 1912.

(P.C. 3196.)

The Committee of the Privy Council have had before them a report, dated 12th November, 1912, from the Minister of Justice, stating that he has had under consideration the report of the Secretary of State for External Affairs, dated 29th October, 1912, with regard to the telegraphic despatch to Your Royal Highness from the Secretary of State for the Colonies, dated 16th September, 1912, respecting the Imperial draft Naturalization Bill, and that he considers that it would be advisable to make the following amendments to the said draft, in lieu of the amendment suggested by Mr. Harcourt:—

Amend Section 7 by inserting after the word "naturalization," where it first occurs in the said section the following:—"And to make regulations generally for carrying into effect the purposes of this Act."

Add the following section immediately after Section 24 of the said draft:—"None of the provisions of this Act shall have effect in any of the Dominions specified in the first schedule to this Act unless the Legislature of that Dominion shall have adopted Sub-section 1 of Section 3, nor shall any of the provisions of this Act have effect in any such Dominion after the adopting legislation shall have been repealed by the said Legislature."

The Minister considers that the amendments herein suggested will more effectively maintain the legislative independence of the Dominions, and at the same time authorise the making of regulations not inconsistent with the purposes of the Act which may be found convenient in the local application of these provisions.

The Minister recommends, therefore, that Mr. Harcourt be asked to substitute these amendments, and that Mr. Harcourt be informed that, in the event of the enactment of the draft Bill so amended, Your Royal Highness's Government will be satisfied to adopt it.

The Committee concur in the foregoing, and advise that Your Royal Highness may be pleased to transmit a copy hereof, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

39833

No. 182.

COLONIAL OFFICE to HOME OFFICE.

[Answered, concurring, by 1607: not printed.]

Sir,

Downing Street, 27 December, 1912.

With reference to the letter from this Office of the 6th of August,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying copy of correspondence† on the subject of the Naturalization Bill.

2. It appears to be desirable to Mr. Harcourt that, as proposed in your letter of the 8th of March,‡ consultation as to the terms of the Bill should take place between the Departments concerned as soon as possible.

* L.F. transmitting copy of No. 179. † Nos. 150 and 181. ‡ No. 116 in Dominions No. 39.

3. Copies of this letter have been forwarded to the Foreign Office and to the India Office.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

8131

No. 183.

HOME OFFICE to COLONIAL OFFICE.

(Received 10 March, 1913.)

[Answered by No. 191.]

Sir,

Home Office, Whitehall, 8th March, 1913.

I AM directed by Mr. Secretary McKenna to say that he has had before him the revised draft (XXXVII (5)) of the British Nationality and Status of Aliens Bill which is the result of recent conferences between the Colonial Office, the Foreign Office, the India Office, and this Department, and of which eighteen copies are enclosed herewith.

Mr. McKenna understands that it was the view of the Departments concerned that it is not possible to accept the suggestion contained in the minute of the Canadian Privy Council dated the 27th November, 1912,* if read literally, viz., that the whole Bill should have no effect in any of the Dominions unless the Dominion had adopted sub-clause (1) of Clause 3. Mr. McKenna agrees with this view. He considers it most important to maintain unimpaired throughout the world the status of a natural-born British subject as determined by the law of England; and he feels that such a proposal as that suggested might lead to serious legal and international difficulties.

It would appear that the Canadian Privy Council had in mind, when drawing up their minute, only the question of naturalization, and Mr. McKenna observes from the report which your Department was good enough to forward recently of a debate† in the Canadian House of Commons on the 29th January last, that Mr. Doherty, in maintaining the principle of colonial independence in the matter of legislation, appears to have spoken precisely and repeatedly of naturalization and not of nationality in the wider sense. He hopes, therefore, that the concessions made in the revised draft of the Bill, by which Part II of the Bill, consisting of clauses 2 to 9 and including all the provisions relating to naturalization, is made adoptive, will meet the views of the Canadian Government. The minor point raised by that Government in regard to the power of making regulations is met by sub-clause (2) of Clause 9. In certain other points also the Bill has been rearranged and the extent and application of its provisions have been made clearer.

The various questions raised by the New Zealand Government in their despatch of the 7th February, 1912,‡ are, Mr. McKenna thinks, met by the amendments and re-arrangement of the Bill which are contained in the revised draft.

I am to request that you will move Mr. Harcourt to communicate the revised draft of the Bill to the Governments of Canada and New Zealand as soon as possible, with explanations of the way in which the points raised by them have been met, and, as regards Canada, making it clear that their views are completely met with regard to naturalization and that the remainder of the Bill is substantially a measure of consolidation. I am to suggest also that copies of the revised draft should be sent to the other Dominions, who had already accepted the unrevised Bill, with a short note of the alterations which have been made, indicating that they are believed not to raise any points likely to cause fresh differences of opinion.

I am to ask that all the Dominions may be pressed to furnish early replies, so that the Bill may be available for the coming session of Parliament, as soon as an opportunity for proceeding with it occurs.

I am, &c.,
W. P. BYRNE.

* Enclosure in No. 181.

† See 5167: not printed.

‡ No. 113 in Dominions No. 39.

S131

No. 184.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 188, 194, and 201.]

(Australia. 181.)
(Union of South Africa. No. 117.)
(Newfoundland. No. 70.)

[My Lord],
[Sir],

Downing Street, 14 March, 1913.

WITH reference to [Your Excellency's telegram of the 18th of July last,*] [Your Excellency's despatch, No. 841, of the 2nd November (1911)†] [Sir Ralph Williams's telegram of the 26th of January, 1912,‡] I have the honour to transmit to you, to be laid before your Ministers, the accompanying copies of the draft of the British Nationality and Status of Aliens Bill which His Majesty's Government propose to introduce this Session into the Imperial Parliament.

2. The draft Bill does not differ in principle from the draft which was forwarded to you in my despatch, No. [290] [322] [154], of the 14th of July, 1911.§ but the clauses have been rearranged in order to secure greater clearness, and, in order to meet the views of the Governments of Canada and New Zealand, the provisions for the grant of naturalisation which is to be valid everywhere have been grouped together in Part II. and provision has been made for the adoption or rescission of the whole of this part by the Legislatures of the self-governing Dominions.

3. I trust that the Bill in its present form may prove satisfactory to your Government, and I shall be glad to receive their concurrence by telegraph at the earliest possible date.

I have, &c.,
L. HARCOURT.

S131

No. 185.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Answered by No. 190.]

(No. 113.)

MY LORD,

Downing Street, 14 March, 1913.

WITH reference to Lord Islington's telegram of the 7th of February, 1912,|| I have the honour to transmit to you, to be laid before your Ministers, the accompanying copies of the draft of the British Nationality and Status of Aliens Bill which His Majesty's Government propose to introduce this Session into the Imperial Parliament.

2. The clauses of the Bill have been rearranged and re-grouped with a view to making their application clearer and meeting the representations contained in Lord Islington's telegram under reference and representations made by the Canadian Government. The provisions in Clause 9 as to the application of Part II. to the self-governing Dominions will meet the suggestion of your Government as to the power of rescission of the adoption of this part of the Act.

3. In its amended form I trust that the Bill will receive the approval of your Government, and I shall be glad to learn of their concurrence as soon as possible by telegraph.

I have, &c.,
L. HARCOURT.

* No. 179. † No. 111 in Dominions No. 39.
‡ No. 106 in Dominions No. 39.

§ No. 112 in Dominions No. 39.
|| No. 113 in Dominions No. 39.

S131

No. 186.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 187 and 189.]

(No. 206.)

Sir,

Downing Street, 14 March, 1913.

I HAVE the honour to request your Royal Highness to inform your Ministers that His Majesty's Government have given very careful consideration to their minute enclosed in your despatch, No. 647, of the 4th of December,* regarding the Imperial draft Naturalization Bill.

2. His Majesty's Government fully appreciate the desire of your Government to maintain the legislative independence of Canada, but they have felt doubt with regard to the precise amendments suggested. A material part of the Bill is really only declaratory of the law of British nationality as it at present exists, and is in the nature of a codification, and the Bill as drafted did not perhaps sufficiently distinguish between provision of this kind and the establishment of a new kind of naturalization. His Majesty's Government quite recognise that the latter should be established within Canada by the act of the Dominion Legislature, and it should remain competent to the Dominion Legislature, if it so desires, to repeal the legislation establishing Imperial naturalization. With this purpose in view the Bill has been recast so as to embody in a separate part (Part II) all provisions with regard to the naturalization of aliens having effect everywhere, and I specially invite the attention of your Ministers to the terms of Clause 9. The power to make regulations provided for in the amendment proposed by Ministers to Section 7 will be found in the clause now numbered 9 (2). The existing powers of a Colonial Legislature to deal with naturalization, having only local effect, are preserved in the clause formerly numbered 8 and now numbered 26.

3. I enclose copies of the Bill as recast and trust that your Ministers will find that it meets their views. I shall be glad to receive their assent by telegraph.

I have, &c.,
L. HARCOURT.

15132

No. 187.

CANADA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.30 p.m., 3rd May, 1913.)

TELEGRAM.

[Copy to Foreign Office, 15 May, 1913. L.F.]

Your despatch of 14th March, No. 206,† Imperial Draft Naturalization Bill. Government of Canada willing to assent to provisions of Part II. of Bill. They consider that to meet the requirements of situation further words should be added to Section 26, paragraph 1, as, for example:—

"or, except as to Part II. of this Act, affect the operation of the law at present in force in any British possession."

Despatch‡ follows by mail containing full observations in Minute of Council.—C. FITZPATRICK.

16334

No. 188.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 3.40 p.m., 13th May, 1913.)

TELEGRAM.

[Copy to Foreign Office and India Office, 6 June, 1913. L.F.]

[Answered by No. 211.]

Your despatch, 14th March, No. 70.§ My Ministers concur.—DAVIDSON.

* No. 181.

† No. 186.

‡ No. 189.

§ No. 184.

16342

No. 189.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14 May, 1913.)

[Copy to Foreign Office and India Office, 6 June, 1913. L.F.]

[Answered by No. 193.]

(No. 314.)

Sir,

Ottawa, 5 May, 1913.

With reference to your despatch of the 14th March, No. 206, and my telegram of the 3rd May,* on the subject of the Imperial Draft Naturalization Bill, I have the honour to transmit, herewith, for your information, copies of the approved minute of the Privy Council for Canada setting forth, in full, the views of my responsible advisers upon this Bill.

It was on this minute that my telegram referred to above was based.

I have, &c.,

C. FITZPATRICK,

Administrator.

Enclosure in No. 189.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 3RD MAY, 1913.

(P.C. 1029.)

The Committee of the Privy Council have had before them a report, dated 1st May, 1913, from the Right Honourable the Secretary of State for External Affairs, advising that the Minister of Justice has had under consideration the despatch of the Right Honourable the Principal Secretary of State for the Colonies, dated 14th March, 1913, enclosing copy of the Imperial Draft Naturalization Bill as recast, and expressing the hope that it will meet the views of His Royal Highness's Government.

The Minister of Justice observes that the draft Bill under consideration is divided into three parts, of which Part I relates to natural-born British subjects, Part II to the naturalization of aliens, and Part III, under the title "General," to the national status of married women and infant children, expatriation, the status of aliens, &c.

The Minister of Justice further observes that it is provided that Part II shall not have effect within any of the Dominions specified in the first schedule, of which the Dominion of Canada is one, unless adopted by the Legislature of that Dominion, and then only so long as the adopting legislation stands unrepealed. This part provides for the granting of certificates of naturalization by the Secretary of State upon certain conditions and for the effect of such certificates; it confers similar power upon the Government of any British possession in which it has effect, and enacts that any certificate of naturalization granted by the Government of such British possession shall have the same effect as a certificate granted by the Secretary of State.

The Minister of Justice considers that the provisions of Part II may be accepted as making provision for uniformity in the procedure and effect of naturalization in a manner not unsatisfactory to Your Excellency's Government.

The Minister of Justice would have preferred that the provisions of Part II, in which the self-governing Dominions are more particularly concerned, should have stood by themselves, and that the other provisions of the Bill, which, though not limited in their application by any express definition, are presumably intended to operate only within the United Kingdom, should have formed the subject of a separate Act.

* Nos. 186 and 187.

If it be desirable to embody the three parts of this Bill in one Act, and if, as the Minister of Justice assumes, it be not intended to apply Parts I and III to the self-governing Dominions, he suggests that the intention should be made clear by an appropriate application clause. The absence of any clause affecting the application of these parts, in view of the provisions of Section 9, and having regard to the implication arising from such provisions as Sections 17 (1), 19 (2), and 23, seems to afford reason to apprehend that the Bill may be held to apply generally to the British Dominions, subject to the special provisions for the operation of Part II and the particular exceptions to which reference has been made.

The Minister of Justice also observes that, while he is not disposed to question the right of the Parliament of the United Kingdom to declare who shall be deemed to be natural-born British subjects, or the national status of married women and infant children, by the British North America Act, 1867, comprehensive powers of legislation are bestowed upon the Parliament and Legislatures of Canada, and, particularly, the Parliament of Canada is given exclusive authority to make laws in relation to all matters coming within the subject of naturalization and aliens. It is not compatible with the due execution of these powers that such provisions as those contained in Sections 17 and 18 should be applied to Canada except by the Parliament of Canada.

Mr. Harcourt states that a material part of the Bill is really only declaratory of the law of British nationality as it at present exists, and is in the nature of a codification, and that the Bill as drafted did not perhaps sufficiently distinguish between provision of this kind and the establishment of a new kind of naturalization. The Minister of Justice apprehends, however, that these declaratory provisions, so far as they affect matters within the legislative capacity of the self-governing Dominions, should not be extended to those Dominions except subject to local provisions now in force. It is provided by Section 26 (1) of the Bill that nothing in the Act shall take away or abridge any power vested in or exercisable by the Legislature or Government of any British possession or prevent any such Legislature or Government from treating differently different classes of British subjects. This provision appears, therefore, designed to maintain existing local authority for the future, and presumably to displace, so far as this Bill is concerned, Section 2 of the Colonial Laws Validity Act; but it appears to the Minister of Justice that in order to meet the requirements of the situation further words should be added to Section 26 (1), as, for instance, the following:—"or, except as to Part II of this Act, affect the operation of the law at present in force in any British possession."

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a despatch, in the sense of this minute, to the Right Honourable the Principal Secretary of State for the Colonies, and that he be informed by telegram that Your Excellency's Government assent to the provisions of Part II of the Bill, and that the observations of this minute will be immediately communicated by the post.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

16481

No. 190.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.25 a.m., 15th May, 1913.)

TELEGRAM.

[Copies to Foreign Office and India Office, 6 June, 1913. L.F.]

[Answered by No. 211.]

Your despatch of 14th March, No. 113.* My Government concur in Aliens Bill, and will introduce into New Zealand Parliament a Bill adopting Part II.—LIVERPOOL.

* No. 185.

15132

No. 191.

COLONIAL OFFICE to HOME OFFICE.

[Copy to Foreign Office, 15 May, 1913. L.F.]

Sir,

Downing Street, 15 May, 1913.

WITH reference to your letter of the 8th March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, copies of despatches† to the Governors-General and Governors of the self-governing Dominions and of a telegraphic reply‡ which has been received from the Officer Administering the Government of Canada on the subject of the British Nationality and Status of Aliens Bill.

2. Mr. Harcourt will defer commenting upon Sir C. Fitzpatrick's telegram until he has received the promised despatch.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

16342

No. 192.

COLONIAL OFFICE to HOME OFFICE.

[Copies to Foreign Office and India Office, 6 June, 1913. L.F.]

[Answered, concurring, by 19445: not printed.]

Sir,

Downing Street, 4 June, 1913.

WITH reference to the letter from this Office of the 15th May,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying copies of telegrams|| from the Governors of New Zealand and Newfoundland, and of a despatch¶ from the Officer Administering the Government of Canada, on the subject of the draft British Nationality and Status of Aliens Bill.

2. The Minute of the Canadian Privy Council forwarded in Sir C. Fitzpatrick's despatch leaves open to doubt the precise object which the Canadian Government desire to secure by the amendment which they have suggested. From the first part of the Minute it would seem that they wish that Parts I. and III. of the Bill should not apply to Canada. In the second part, however, they state that they are not disposed to question the right of the Parliament of the United Kingdom to declare who shall be deemed to be British subjects, or to declare the national status of married women and children, and it is, therefore, possible that they are concerned only to maintain the existing authority of the Canadian Parliament to legislate in respect of naturalization and aliens. In this regard, they are satisfied, so far as the future is concerned, by Clause 26 (1) of the Bill, but they state that the declaratory provisions of the Bill, so far as they affect matters within the legislative capacity of the self-governing Dominions, should only be extended to these Dominions subject to local provisions now in force.

3. Mr. Harcourt sees no objection to words being added to the Bill which will preserve local provisions now in force, but the amendment proposed by the Canadian Government goes beyond what is required to achieve this result, inasmuch as it would appear to have the effect of leaving the whole existing law in operation in Canada and not merely existing local provisions. Having regard to the express recognition of the rights of the Parliament of the United Kingdom, Mr. Harcourt is of the opinion that it need not be assumed that the Canadian Government will be averse from reconsidering the terms of the amendment which they have suggested, and that His Majesty's Government may properly ask them to accept instead an amendment which will place existing local legislation on the same footing as future local legislation. The alternative amendment which Mr. Harcourt would suggest would be the insertion in Clause 26 (1), after the words "British possession," of the words "or affect the operation of any law at present in force which has been passed in the exercise of such power."

* No. 183.

† Nos. 184 to 186.

‡ No. 187.

§ No. 191.

|| Nos. 190 and 188.

¶ No. 189.

4. If this amendment were accepted the provisions of Part I. of the Bill would become fully operative in Canada. There would remain certain discrepancies between the Imperial legislation and the existing Canadian legislation, but such discrepancies would, no doubt, be removed in due course by the action of the Canadian Parliament, and, in any case, as will be seen from the Canadian Acts,* copies of which are enclosed, the discrepancies will not be of serious moment. The legislation of the other self-governing Dominions does not appear to present any difficulty.

5. Mr. Harcourt would be glad to learn whether Mr. McKenna concurs in the views expressed above and, if so, whether the terms of the enclosed draft telegram to the Canadian Government meet with his approval.

I am, &c.,

H. W. JUST.

19445

No. 193.

CANADA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(Sent 12.5 p.m., 10th June, 1913.)

TELEGRAM.

[Copy to Foreign Office, Home Office, and India Office, 13 June, 1913. L.F.]

[Answered by No. 198.]

Your despatch of 5th May, No. 314,‡ Intention was that Bill, except where otherwise stated, should be of general application to the same extent as the existing law which it replaces. Amendment suggested by your Ministers would affect operation of Part I. in Canada and would set up different rule of British nationality in Canada from rest of world. This result would, I need not point out, be open to serious objection and would defeat object of Imperial Conference, and I do not understand that your Ministers desire it. His Majesty's Government, however, conceive principal object of your Ministers to be the maintenance, unimpaired by Imperial legislation, of local provisions now in force, and suggest that this will be effected by following amendment, namely: insert after words "British possession" in Clause 26, sub-clause 1, words, "or affect the operation of any law at present in force which has been passed in the exercise of such power." Please telegraph views of your Ministers as soon as possible.—HARCOURT.

22489

No. 194.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 a.m., 2nd July, 1913.)

TELEGRAM.

[Copy to India Office and Foreign Office, 8th July, 1913. L.F.]

[Answered by Nos. 197 and 211.]

Your despatch 14th March, No. 181,§ naturalization. Government of Commonwealth of Australia concur generally in terms of draft measure, but suggest that specific provision should be inserted to remove doubt as to whether certificate of naturalization may or may not be granted under Clause No. 2 to alien married women. See Clause 10.—DENMAN.

* Revised Statutes, 1906, c. 77, and amending Acts.
‡ No. 189.† For final form, see No. 193.
§ No. 184.

22489

126

No. 195.

COLONIAL OFFICE to HOME OFFICE.

[Copy to India Office and Foreign Office, July 8, 1913. L.F.]

[Answered by No. 196.]

Sir, Downing Street, 7 July, 1913.
 With reference to the letter from this Department of the 13th June,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, a copy of a telegram† from the Governor-General of the Commonwealth of Australia, on the subject of the draft British Nationality and Status of Aliens Bill.

2. Mr. Harcourt would be glad to be favoured with Mr. McKenna's observations on the amendment to the Bill suggested by the Commonwealth Government.

3. Copies of the telegram and of this letter have been sent to the Foreign Office and India Office.

I am, &c.,
 HENRY LAMBERT,
 for the Under-Secretary of State.

24373

No. 196.

HOME OFFICE to COLONIAL OFFICE.

(Received July 12, 1913.)

[Copy to India Office, 7 August, 1913. L.F.]

Sir, Home Office, Whitehall, 14th July, 1913.
 With reference to your letter of the 8th instant (22489/1913),‡ forwarding a copy of a telegram received from the Governor-General of Australia regarding a proposed amendment in the British Nationality and Status of Aliens Bill, I am directed by Mr. Secretary McKenna to suggest that Mr. Secretary Harcourt should reply that no such amendment is necessary. A certificate of naturalization cannot be granted to a married woman under Clause 2, because it is provided by Clause 5 (3) that, except as provided in that clause, a certificate shall not be granted to any person under disability, and "disability" is defined in Clause 27 (1) as meaning, *inter alia*, the status of a married woman.

I am, &c.,
 JOHN PEDDER.

24373

No. 197.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 18th July, 1913.)

TELEGRAM.

[Copy to India Office and Home Office, 7 August, 1913. L.F.]

Your telegram 2nd July.† Glad to have received concurrence of Ministers in Naturalization Bill. Secretary of State for Home Affairs is advised that suggested amendment is not necessary as certificate of naturalization cannot be granted married women under Clause 2 in view of provision in Clause 5 (3) that certificate shall not be granted to person under disability, and disability under Clause 27 (1) includes status of married women.—HARCOURT.

* L.F. transmitting copy of No. 193.

† No. 194.

‡ No. 195.

25068

127

No. 198

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.30 a.m., 20th July, 1913.)

TELEGRAM.

[Copy to Home Office, 23 July, 1913. L.F.]

Your telegram of 10th June.* Draft Naturalization Bill. Proposed amendments to Clause 26, sub-clause 1, satisfactory to Canadian Government. Despatch follows by mail with Minute of Council.—FITZPATRICK.

26124

No. 199.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.9 p.m., 28th July, 1913.)

TELEGRAM.

[Copies to India Office, Home Office, and Foreign Office, 7 August, 1913. L.F.]

Your telegram 4th July.† Naturalisation Bill. Consideration of your despatch‡ originally delayed by pressure of Parliamentary business and now by industrial dispute. As latter continues to occupy attention of Ministers, I fear some further delay will be unavoidable.—GLADSTONE.

26406

No. 200.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

[Copy to Home Office, India Office, Foreign Office, 9 August, 1913. L.F.]

(Received 31 July, 1913.)

[Answered by No. 210.]

(No. 475.)

Sir, Government House, Ottawa, 21 July, 1913.
 I HAVE the honour to forward herewith, for your information, copies of an approved minute of the Privy Council for Canada, dated 19th July, 1913, respecting the proposed Bill relating to naturalisation.

Reference to previous despatch: Colonial Office telegram, 10 June, 1913.*

I have, &c.,
 C. FITZPATRICK,
 Administrator.

Enclosure in No. 200.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 19TH JULY, 1913.

(P.C. 1819.)

The Committee of the Privy Council have had before them a report, dated 28th June, 1913, from the Minister of Justice, to whom was referred a cable despatch, dated 10th June, 1913, from the Right Honourable the Secretary of State for the Colonies, with respect to the proposed Bill relating to naturalisation.

The Minister submits that there was nothing suggested in Your Excellency's despatch of May 5th§ that would have defeated the object of the Imperial Conference, and that, on the contrary, Your Excellency's Ministers have done their best to promote and improve the legislation now under consideration.

* No. 193.

† Reminder of No. 184.

‡ No. 184.

§ No. 189.

The Minister further submits that the amendment to Clause 26, sub-clause one, mentioned in Mr. Harcourt's despatch will, he considers, remove the objection to which attention was drawn in Your Excellency's despatch of May 5th as effectively as would have been done by the amendment therein suggested.

The Minister, therefore, recommends that the proposed amendment be accepted as satisfactory.

The Committee, concurring, advise that Your Excellency may be pleased to forward a copy of this minute, if approved, to the Right Honourable the Secretary of State for the Colonies, and also that a cable despatch be sent stating that the proposed amendment is satisfactory to Your Excellency's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDEAU,
Clerk of the Privy Council.

28139

No. 201.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.40 p.m., 12th August, 1913.)

TELEGRAM.

[Copy to Foreign Office and India Office, 22 August, 1913. L.F.]

[Answered by No. 209.]

My telegram 28th July,* Naturalization Bill. Ministers concur generally in terms of Bill, but refer to certain points which seem to them to require elucidation.

They assume that the whole of Act will be in force throughout the British Dominions save as is provided in Section 9 in respect to Part 2. They say that in effect Section 9 (2) limits power of a Dominion Government to make regulations for the matters dealt with in paragraphs (a), (d), (e), (f), (g), and (h) of Section 19 (1). While there appear to be no reasons why a Dominion Government should make regulations as to the matters referred to in paragraphs (b) and (c) of that section, they suggest that it might be convenient for regulations under paragraphs (i) and (j) thereof to be made locally.

Sections 20, 21, and 22 apparently contemplate any action taken in the Dominions under their provisions will require an authorization from the Secretary of State for the Colonies. Ministers suggest substitution of a Dominion Minister in any such case.

They enquire whether punishment for false representation or statements under Section 23 should be limited to the United Kingdom. If this section remains as drafted Ministers are advised that it may be necessary for a Dominion Parliament to legislate specially as to false representations and statements. They think that the matter might be dealt with by omitting from Section 23 the words "in the United Kingdom."—GLADSTONE.

28139

No. 202.

COLONIAL OFFICE to HOME OFFICE.

[Copy to India Office and Foreign Office, 22 August, 1913. L.F.]

[Answered by No. 204.]

Sir,

Downing Street, 22 August, 1913.

With reference to the letter from this Department of the 7th instant,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, a copy of a telegram‡ from the Governor-General of the Union of South Africa, on the subject of the draft British Nationality and Status of Aliens Bill.

* No. 199.

† L.F. transmitting copy of No. 199.

‡ No. 201.

2. As regards the suggested omission of the words "in the United Kingdom" from Clause 23 of the Bill, Mr. Harcourt does not think it desirable, in view of the attitude of the Canadian Government, to extend the application of that clause to the self-governing Dominions.

3. He would be glad to be advised what reply should be returned to Lord Gladstone's telegram.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

31176

No. 203.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6 September, 1913.)

[Answered by No. 209.]

(No. 608.)

Sir,

Governor-General's Office, Pretoria, 14 August, 1913.

With reference to my telegram of the 12th August,* relative to the draft of the British Nationality and Status of Aliens Bill, I have the honour to transmit to you the accompanying copy of a minute from my Ministers.

2. I would explain that in the form in which it reached me originally on the 14th May, the minute implied the view that Part III. of the Bill would only have effect in the Dominions upon the adoption of Part II. I doubted the accuracy of this interpretation, and caused informal representations to be made in the proper quarter. The minute was then withdrawn for further consideration, and the revised version which is forwarded herewith has now been substituted. The causes of the delay were explained in my telegram of July 28th.†

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 203.

(Minute. 471.)

Prime Minister's Office, Pretoria, 14th May, 1913.

With reference to His Excellency the Governor-General's minute, No. 16/25, of the 5th ultimo, on the subject of the draft "British Nationality and Status of Aliens Bill," which it is proposed to introduce into the Imperial Parliament, Ministers have the honour to state that they concur generally in the terms of the Bill; but they would, at the same time, like to refer to certain points in the draft measure which seem to them to require elucidation.

It is assumed that the whole Act will be in force throughout the British dominions save as is provided in Section nine in respect of Part II.

The second point touches on the provisions of Section 9 (2) of the draft, which, in effect, limits the power of a Dominion Government [? as] to make regulations to the matters dealt with in paragraphs (a), (d), (e), (f), (g) and (h) of Section 19 (1). While there appears to be no reason why a Dominion Government should make regulations as to matters referred to in paragraphs (b) and (c) of that section, Ministers suggest that it might be convenient for regulations under paragraphs (i) and (j) thereof to be made locally.

* No. 201.

† No. 199.

A further point occurs in connection with Sections 20, 21, and 22, which apparently contemplates that any action taken in the Dominions under the provisions contained in those sections would require an authorization from the Secretary of State. It would appear to be desirable to provide for the substitution of a Dominion Minister in any such case.

Finally, in regard to Section 23, should the punishment of false representations or statements be limited to the United Kingdom? If this section remains as drafted, Ministers are advised that it may be necessary for a Dominion Parliament to legislate specially as to false representations and statements. Possibly the matter might be dealt with by omitting from Section 23 the words "in the United Kingdom."

J. C. SMUTS.

31730

No. 204.

HOME OFFICE to COLONIAL OFFICE.

(Received 11 September, 1913.)

[Answered by No. 205.]

SIR,

Home Office, Whitehall, 10th September, 1913.

I HAVE laid before Mr. Secretary McKenna your letter of the 22nd August (28,139/13)* transmitting a copy of a telegram from the Governor-General of the Union of South Africa on the subject of the draft British Nationality and Status of Aliens Bill, and I am directed by him to say that he concurs with Mr. Harcourt in thinking it undesirable to extend the application of Clause 23 of the Bill to the self-governing Dominions. Mr. McKenna suggests that it should be explained to Lord Gladstone that it is not the intention of the Bill to legislate for the Dominions in respect of matters on which it is competent for them to make for themselves such provision as they may think right.

For this reason, coupled with the consideration that it is desirable at the stage which the Bill has now reached in agreement with the Dominions to keep the Bill as far as possible in its present shape unless some important point requiring amendment arises, Mr. McKenna thinks Clauses 19, 20, 21, and 22 should be allowed to stand as drafted. He would add, as regards these clauses, the following observations:—

- (a) The provisions in Clause 19 (i) and (j) deal with certain matters from the point of view of the United Kingdom, and it appears to be right that the power of making regulations in regard thereto should be confined to the Home Government. There will be nothing to prevent a Dominion Government from making regulations on similar matters, so far as they affect the Dominion only, if necessity arises.
- (b) Clauses 20, 21, and 22 are reproductions from the Naturalization Act of 1870, and their primary intention is to deal with questions of evidence and proof in the Courts of the United Kingdom. Mr. McKenna does not know how far the Dominions may have acted upon the corresponding provisions in the Act of 1870 or may have passed for themselves similar or other provisions, but it seems to him that there is nothing in the clauses to prevent the Dominions from regulating for themselves questions of evidence, &c., in their own Courts.

I am, &c.,

JOHN PEDDER.

31730

No. 205.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 206.]

SIR,

Downing Street, 2 October, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th of September,† on the subject of the draft British Nationality and Status of Aliens Bill.

* No. 202.

† No. 204.

2. Mr. Harcourt gathers from your letter that it is the view of Mr. Secretary McKenna that the power of making regulations in regard to the matters dealt with in Clauses 19 (1) (i) and (j) is confined by the Bill to His Majesty's Government. It appears, however, to Mr. Harcourt, with regard to Clause 19 (1) (i), that in view of the powers given by Clause 9 (2), it is open to a Dominion Government to make regulations with regard to the transmission to the United Kingdom of declarations, &c., made, &c. in that Dominion. It would, however, seem possible that the Union Government have under contemplation the possibility of taking similar action to that taken in the Canadian Naturalization Act, that is, of providing for transmission to the Union of such documents when made out of the Union. This is not a topic which falls within Clause 19 (1), and, therefore, the provisions of Clause 9 (2) would not be applicable to it, but it would be within the general legislative competence of the Union Parliament to provide for the registration, safekeeping, and production in evidence of such documents if and when transmitted to the Union, although that Parliament could not expressly compel their transmission to the Union.

3. If, therefore, the views of the Union Government have regard to the making of regulations respecting transmission to the United Kingdom, Mr. Harcourt is advised that the power given under Clause 19 (1) (i) is not confined to the Imperial Government, but could be exercised by the Union Government. If, on the other hand, transmission to South Africa is meant, the subject does not fall within Clause 19 at all, since the substitution of the Dominion for the United Kingdom under Clause 8 (1) applies only to the "grant and revocation" of certificates, and not to such provisions as Clause 19 (1) (i), and in this event the Union Government could not make regulations under the power conferred by the Act, but could obtain power to make regulations through the passing of legislation by the Union Parliament.

4. With regard to Clause 19 (1) (j), the words "with the consent of the Treasury" appear to raise some difficulty, as the mention of the Treasury would appear to limit the power to the Imperial Government, as suggested in your letter. Mr. Harcourt, however, is of opinion that the general power conferred by Clause 9 (2) on a Dominion Government to make regulations with respect to certificates of naturalization and oaths of allegiance, includes the power to make regulations for the imposition of fees in connection with these subjects, similar to the regulations which may be made by the Secretary of State under Clause 19 (1) (j).

5. With regard to Clauses 20-23. No difficulty would appear to arise in connection with Clause 20, as it deals only with declarations, and the right of British possessions to legislate with regard to them is recognised in Clause 19 (2). For the same reason, no difficulty arises in connection with Clauses 21-23, so far as they deal with declarations. These clauses, however, deal also with certificates of naturalization and oaths of allegiance granted or made under Part II. It appears reasonable to hold that British possessions have the right to pass legislation corresponding to Clause 23 for certificates of naturalization and oaths of allegiance, as well as for declarations, on the ground that the express limitation of the clause to the United Kingdom establishes a presumption that the punishment of the offences mentioned outside the United Kingdom is to be left to local legislation.

6. There appears, however, nothing to establish a presumption that Clause 21 and Clause 22 (so far as it deals with certificates of naturalization) may similarly be supplemented by local legislation. On the contrary, if the Dominions have the right to legislate, without express authority, in such respects, the Crown Colonies must have the same right—i.e., Crown Colonies may prescribe the mode of proof for certificates of naturalization, but not for oaths of allegiance, which they must leave to be dealt with by the Secretary of State under Clause 19 (1) (h).

7. Should, however, Mr. McKenna be of opinion that these clauses do not preclude the passing of local legislation, Mr. Harcourt would suggest that the word "may" should be substituted for the word "shall" in the second line of Clause 22. As Mr. McKenna is aware, this alteration has already been made by the Parliament of Canada (see Cap. 77, Section 43).

I am, &c.,

HENRY LAMBERT.

for the Under-Secretary of State.

36448

No. 206.

HOME OFFICE to COLONIAL OFFICE.

(Received 21 October, 1913.)

Sir,

Home Office, Whitehall, 20th October 1913.

I AM directed by Mr. Secretary McKenna to say, for the information of Mr. Secretary Harcourt, that he has carefully considered your letter of the 2nd instant,* on the subject of the draft British Nationality and Status of Aliens Bill, and has come to the following conclusions:—

- (1) That even if there is any doubt as to whether the subject matters of Clause 19 (1) (i) and (j) come within the regulation-making powers conferred by Clause 9 (2) on the Dominions, it will be convenient (for the reasons indicated in the letter from this Department of the 10th September†) not to dispute the view taken by the South African Government, but to explain to them that in these matters, so far as regards the Dominion, they can exercise their own powers of local legislation as preserved by Section 19 (2):
- (2) That, as suggested in the previous letter, the power of local legislation on matters similar to those which are dealt with, primarily as regards the United Kingdom, by Clauses 20-22, remains unimpaired.

Mr. McKenna has no objection to the alteration of "shall" into "may" in the second line of Clause 22, and will have this done in due course.

I am, &c.,

EDWARD TROUP.

36878

No. 207.

ROYAL COLONIAL INSTITUTE to COLONIAL OFFICE.

(Received 25 October, 1913.)

[Copy to Home Office, November 5, 1913.]

[Answered by No. 212.]

Sir,

Northumberland Avenue, London, W.C., October 24th, 1913.

I HAVE the honour, on behalf of the Council of the Royal Colonial Institute, to enquire whether you could kindly afford them some information, which would be treated as confidential if so desired, in regard to the Imperial Naturalisation Bill. I am to observe that the Postmaster-General, Mr. Herbert Samuel, speaking at the Canada Club on May 1st last, was reported to have stated that the next step rested with the Canadian Government, and that when their reply was received the Imperial Government would take active steps for carrying the measure through the Imperial Parliament.

It has since been noted that, according to Press despatches which appeared at the end of August, the Canadian Government has approved the most recent draft of the Bill, to which there no longer remains any objection on the part of any of the self-governing Dominions.

The information now desired by the Council is (1) whether it is true that all objections on the part of Dominion Governments to the proposed Imperial legislation have been met, and (2) whether it is the definite intention of His Majesty's Government to introduce the Bill in the next session of Parliament and use their best endeavours to procure its speedy passage into law.

I have, &c.,

JAMES R. BOOSÉ,

Secretary.

* No. 205.

† No. 204.

40359

No. 208.

HOME OFFICE to COLONIAL OFFICE.

(Received 24 November, 1913.)

[Answered by No. 213.]

Sir,

Home Office, Whitehall, 22nd November, 1913.

I AM directed by Mr. Secretary McKenna to refer to your letter of the 5th instant (36448/1913),* on the subject of the British Nationality and Status of Aliens Bill, and to say that, subject to the points mentioned below, he concurs in the despatches which Mr. Secretary Harcourt proposes to send to the Governments of the various Dominions and also in the proposed reply to the Royal Colonial Institute.

1. As regards the despatch† to the Government of South Africa, I am to suggest, for Mr. Harcourt's consideration, that it would be advisable to make it clear in paragraph 4 of the draft enclosed with your letter that the validity of any regulations made under powers conferred by the Union Parliament will be limited to the Union. Mr. McKenna also suggests that the second sentence of this paragraph should read: "Similarly it will be possible for the Union Parliament to prescribe alternative methods of proof to those prescribed in clauses 20-22." It appears to him that the subjects covered by these clauses are matters for direct legislation rather than for regulations.

2. It appears to Mr. McKenna to be unnecessary to circulate a reprint of the Bill to the Dominions at the present stage, as the amendments in Clauses 22 and 26 (1) are such as can without difficulty be read into the existing drafts of the Bill. Further, it might be undesirable for the Home Government to bind itself absolutely as to the text of the Bill which will actually be introduced. It may be necessary to make verbal corrections in the final print of the Bill, and it seems inadvisable to delay the proposed despatches for the purpose of this final correction at the present moment.

I am, &c.,

EDWARD TROUP.

36448

No. 209.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 510.)

MY LORD,

Downing Street, 28 November, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 12th August, and despatch, No. 608, of the 14th August,‡ on the subject of the Naturalisation Bill.

2. His Majesty's Government have learnt with satisfaction that your Ministers concur generally in the terms of the Bill. The Governments of the other self-governing Dominions have also expressed their concurrence in its terms. It has, however, been arranged, in consultation with the Government of Canada, to insert in Clause 26 (1) after the words "British Possession" the words "or affect the operation of any law at present in force which has been passed in the exercise of such power."

3. The observations of your Ministers on Clause 19 (1) paragraphs (i) and (j) and Clauses 20-23 have received careful consideration. As regards Clause 23, I have to explain that the operation of this clause was limited to the United Kingdom on the

* Not printed.

† See No. 209.

‡ Nos. 201 and 203.

broad constitutional ground that it is undesirable, as a general rule, to include in an Imperial Act provisions creating criminal offences in the self-governing Dominions. As regards the other clauses mentioned, it is recognised that they are drawn with primary reference to the purposes and conditions of the United Kingdom, but His Majesty's Government are reluctant to make alterations in the Bill at this stage to meet points which can be disposed of by legislation of the Dominion Parliaments, and they are advised that, while it is the case that only limited powers of making regulations are conferred by the Bill on Dominion Governments, the ordinary legislative powers of Dominion Parliaments, which are expressly preserved by Clause 26 (1), extend not only to the matters dealt with by Clause 23, but also to all the other matters to which your Ministers have called attention.

4. Power to make regulations on such matters as are dealt with by Clause 19 (1), paragraphs (h) and (j), can, on this view, be conferred by the Union Parliament independently of the provisions of Clause 9 (2). Similarly, it will be possible for the Union Parliament to prescribe alternative methods of proof to those prescribed in Clauses 20-22.

5. Legislation of the Union Parliament will in any case be necessary to apply Part II. of the Act to the Union of South Africa and to prescribe the authority by which the powers of making regulations conferred by Clause 9 (2) are to be exercised in the Union. His Majesty's Government would suggest that the Bill to be eventually introduced into the Union Parliament for these purposes might be so framed as to include suitable provision on the points submitted in your telegram and despatch under acknowledgment.

6. I have to add, as regards Clause 22, that it has been decided, in the light of your Ministers' remarks, that the phraseology of this clause would be improved if the word "may" were substituted for the word "shall" in the second line. The clause has been so altered and the Governments of the other self-governing Dominions have been informed accordingly.

7. It is intended to introduce the Bill into the Imperial Parliament at the first convenient opportunity during next session.

I have, &c.,
L. HARCOURT.

36448

No. 210.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 901.)

Sir,

Downing Street, 28 November, 1913.

I HAVE the honour to acknowledge the receipt of Sir C. Fitzpatrick's despatch, No. 475, of the 21st July,* and to request Your Royal Highness to inform your Ministers that His Majesty's Government have learnt with satisfaction that your Ministers now concur in the terms of the Naturalization Bill.

2. The Governments of the other self-governing Dominions have expressed their concurrence in the terms of the Bill, and are being informed that it has been arranged in consultation with the Government of Canada to insert in Clause 26 (1) after the words "British Possession" the words "or affect the operation of any law at present in force which has been passed in the exercise of such power." The only other alteration which has been made is the substitution of the word "may" for the word "shall" in the second line of Clause 22.

3. It is intended to introduce the Bill into the Imperial Parliament at the first convenient opportunity during next session.

I have, &c.,
L. HARCOURT.

* No. 200.

36448

No. 211.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNORS.

(Australia. No. 724.)
(New Zealand. No. 444.)
(Newfoundland. No. 334.)

My Lord,

Downing Street, 28 November, 1913.

WITH reference to Your Excellency's telegram of the [2nd July*] [15th May†] [13th May‡], from which His Majesty's Government learnt with much satisfaction that the Government of [the Commonwealth of Australia] [New Zealand] [Newfoundland] concurred in the terms of the Naturalization Bill, I have the honour to request you to inform your Ministers that the Governments of the other self-governing Dominions have also expressed their concurrence in the terms of the Bill, but that it has been arranged in consultation with the Government of Canada to insert in Clause 26 (1) after the words "British Possession" the words "or affect the operation of any law at present in force which has been passed in the exercise of such power." The only other alteration which has been made is the substitution of the word "may" for the word "shall" in the second line of Clause 22.

2. It is intended to introduce the Bill into the Imperial Parliament at the first convenient opportunity during next session.

I have, &c.,
L. HARCOURT.

36878

No. 212.

COLONIAL OFFICE to ROYAL COLONIAL INSTITUTE.

[Copy to Home Office, November 5, 1913.]

Sir,

Downing Street, 29 November, 1913.

IN reply to your letter of the 24th October,§ I am directed by Mr. Secretary Harcourt to inform you that the correspondence with the self-governing Dominions respecting the Naturalization Bill is not yet quite complete, but that it is hoped to introduce the Bill into Parliament in the next session.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

40359

No. 213.

COLONIAL OFFICE to HOME OFFICE.

Sir,

Downing Street, 15 December, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 22nd November,|| and to transmit to you, to be laid before Mr. Secretary McKenna, copies of despatches¶ which have been addressed to the Governors-General and Governors of the self-governing Dominions relative to the British Nationality and Status of Aliens Bill. A copy of the letter** addressed to the Royal Colonial Institute on the subject is also enclosed.

2. Of the two amendments to the despatch to the Governor-General of the Union of South Africa suggested in your letter, Mr. Harcourt has not thought it necessary to adopt the first, in view of the fact that the principle that Colonial Legislatures cannot, unless expressly authorised by the Imperial Parliament, pass laws which are valid outside the territories under their jurisdiction is firmly established and clearly recognised in all parts of the Empire.

* No. 194.
† No. 208.

‡ No. 190.
§ Nos. 209, 210 and 211.

¶ No. 188.

|| No. 207.
** No. 212.

33407

11

3. The second amendment Mr. Harcourt has, however, adopted in deference to Mr. McKenna's wishes, but he would point out that the despatch, although so amended, need not be read by the Union Government as indicating that His Majesty's Government would object to the matters in question being dealt with by Regulations, and that if the Union Government should decide on that procedure, it would, in fact, hardly be possible to put forward any such objection, seeing that (a) the Bill itself expressly provides (Clause 19 (1) (b)) that the mode of proving oaths of allegiance may be prescribed by Regulation, and (b) in the United Kingdom the authorising of persons to certify copies of declarations, and the giving of directions as to copies of entries in registers are left to the discretion of the Secretary of State.

4. In reply to the second paragraph of your letter, I am to point out that the revised Bill was sent out to the Governments of the self-governing Dominions in March, 1913, for their approval as a draft Bill "which His Majesty's Government propose to introduce this session into the Imperial Parliament," and, further, that the discussion of the suggestions of the Union Government proceeded on the basis that the Bill had reached a stage at which only important amendments could be considered. In these circumstances Mr. Harcourt considers that the draft Bill should be regarded as an agreed draft as between His Majesty's Government and the Dominion Governments, and trusts, therefore, that it will not be necessary to suggest further alterations.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

(RESOLUTION XI.): UNIFORMITY IN THE LAW OF
ACCIDENT COMPENSATION.

39840

No. 214.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16 December, 1912.)

[Copy to Home Office and Board of Trade, 7th February, 1913.]

[Answered by No. 216.]

(No. 654.)

SIR,

Government House, Ottawa, 5 December, 1912.

I HAVE the honour to forward, herewith, for your information, copy of a letter from the Secretary of State for External Affairs, dated 2nd December, 1912, on the subject of uniformity throughout the Empire in the laws of accident compensation.

Reference to previous despatch: Colonial Office, No. 712, 25 August, 1911.*

I have, &c.,

ARTHUR.

Enclosure in No. 214.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS TO THE GOVERNOR-GENERAL.

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL, Ottawa, 2nd December, 1912.

WITH reference to a despatch from the Secretary of State for the Colonies to Your Royal Highness (No. 712), dated the 25th August, 1911, touching uniformity throughout the Empire in the laws of accident compensation, the undersigned has the honour to submit herewith copies of despatches received from the Lieutenant-Governors of the several Provinces of Canada in relation thereto, and to recommend that the same be forwarded to the Secretary of State for the Colonies for the information of His Majesty's Government.

Humbly submitted,

R. L. BORDEN,

Secretary of State for External Affairs.

Government House, Halifax, Nova Scotia,
30th September, 1911.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch of the 11th instant, transmitting copy of a despatch from the Colonial Office, dated 25th ultimo, and its enclosures, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation.

I now enclose copy of a letter from the Deputy Provincial Secretary embodying the views of my Government on the subject.

I have, &c.,

JAMES D. MCGREGOR,

Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

Provincial Secretary.

Nova Scotia, Halifax, 26th September, 1911.

SIR,

REFERRING to your despatch of the 14th instant to the Provincial Secretary and its enclosures, with reference to the Resolution XI. of the Imperial Conference, 1911, respecting the desirability of greater uniformity throughout the Empire in

* No. 149 in Dominions No. 39.

the law of accident compensation, and to the Memorandum by the Home Office on the subject, in which it is pointed out that uniformity appears to His Majesty's Government especially desirable in regard to seamen, reciprocity, and statistics, I am directed by the Provincial Secretary to inform His Honour that if it be practicable the Government regard uniformity in such laws as desirable, but with respect to seamen there are doubtful questions of jurisdiction as between the Federal and Provincial authorities in respect to the matter, and as a preliminary to such legislation there should be a conference and agreement between the Provinces of Canada and the Dominion in respect to the scope of any proposed Act.

The Nova Scotia Act is, in principle, practically the same as the British law, and applies to workmen without distinction of race or nationality.

I have, &c.,

FRED F. MATHERS,

Deputy Provincial Secretary.

The Private Secretary,
Government House.

SIR, Government House, Edmonton, January 23rd, 1912.
WITH further reference to your letter of the 11th September last, I enclose herewith a copy of "The Workmen's Compensation Act, 1908, Alberta,"* being a measure which is modelled on the lines similar to that in force in Great Britain.

I have, &c.,

GEORGE H. V. BULYEA,

Lieutenant-Governor.

The Honourable
The Secretary of State,
Ottawa.

SIR, Government House, Victoria, British Columbia,
16th February, 1912.
I HAVE the honour to acknowledge the receipt of your despatch of the 12th ultimo, calling my attention to your letter of the 11th September, 1911, upon the subject of greater uniformity throughout the Empire in the law of accident compensation, and to forward you herewith, in reply thereto, a communication signed by the Deputy Provincial Secretary, giving the report of the Attorney-General in the matter.

I have, &c.,

THOMAS W. PATTERSON,

Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

SIR, Provincial Secretary's Office,
Victoria, 13th February, 1912.
WITH reference to the subject of your letter of the 18th of September last, I am to state for the information of His Honour that the despatch of the 25th of August, 1911, from the Colonial Office, covering copy of Resolution XI. of the Imperial Conference of 1911, concerning uniformity throughout the Empire in the law of accident and compensation, was referred to the Law Department, and the Attorney-General in his report remarks as follows:—The Provincial Workmen's Compensation Act was passed in 1902, and is virtually a copy of the Imperial Act of 1897.

While the Government is anxious to promote in every way uniform legislation throughout the Empire, still it must be remembered that the conditions are so varied in the different Colonies that what might suit one place would not suit another.

The Act of 1902 has worked well in this Province, and so far there has been little criticism, and it might be a rather questionable move to now proceed to introduce any amending legislation.

* Not reprinted.

As there seems to be no decided movement amongst the people in the Province for the legislation suggested in the New Zealand Act, the Government is of opinion that, for the present at least, it will be better to allow the Act to remain as it is.

I have, &c.,

A. CAMPBELL REDDIE,

Deputy Provincial Secretary.

The Private Secretary.

SIR, Government House, Winnipeg, March 8th, 1912.
ADVERTING to my despatch of 26th ultimo concerning the uniformity in law of accident compensation, I now have the pleasure in enclosing you a report of the Honourable my Attorney-General on the matter.

I have, &c.,

D. C. CAMERON,

Lieutenant-Governor.

The Honourable
The Secretary of State,
Ottawa, Ontario.

SIR, Winnipeg, March 5th, 1912.
IN reply to the letter of His Honour the Lieutenant-Governor of the 26th ultimo, in reference to the desirability of greater uniformity throughout the Empire in the law of accident compensation, referred to me, would say that our Workmen's Compensation Act makes no provision in regard to seamen on any British or Colonial ships unless the word "workman" as defined in the Act can be held to apply to seaman. Our Act further provides that compensation is to be paid only to dependents residing within the Province, and further, that our Act makes no provision for the collection of statistics as are mentioned in the Memorandum attached to His Honour's letter.

In view of the fact that our Workmen's Compensation Act was considered by a Committee appointed and representing all interests concerned, and was the unanimous conclusion arrived at, this Department would not recommend any changes at present.

I have, &c.,

J. H. BOWDEN,

Attorney-General.

The Honourable
The Provincial Secretary,
Buildings.

SIR, Government House, Toronto, April 11th, 1912.
I HAVE the honour to acknowledge the receipt of your despatch of the 9th ultimo, upon the subject of the desirability of greater uniformity throughout the Empire in the law of accident compensation, and to inform you that Sir William Meredith, the Chief Justice of the Common Pleas, has made an interim report to my Government with regard to accident compensation, but has not yet recommended the form which such legislation should take.

The Province of Ontario would welcome greater uniformity throughout the Empire in respect of the law on this subject, but it does not appear how this can be accomplished except by the different countries each endeavouring to enact the best possible law, when the good features of each would commend themselves to the other Provinces, and some uniformity might result.

I have, &c.,

J. W. GIBSON,

Lieutenant-Governor.

The Honourable
The Secretary of State,
Ottawa.

Government House, Prince Edward Island,
Charlottetown, May 22nd, 1912.

SIR,

IMMEDIATELY upon receipt of your despatch of the 23rd April last, I called the attention of the Government to the subject matter of that and several previous despatches, namely the question of the desirability of uniformity throughout the Empire in the law of accident compensation, and have only now been furnished with the answer thereto.

Mr. Premier Matheson's letter upon the question, received to-day, is enclosed herewith, wherein it appears that the Government is not inclined to deal with the matter in any way.

I have, &c.,

BENJAMIN ROGERS,
Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

Uniformity in Law of Accident Compensation.

SIR, Premier's Office, Charlottetown, May 18th, 1912.

With reference to the despatch from the Department of the Secretary of State, Ottawa, of the 11th September last, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, I have to say that the Government has determined that the question is one involving so much research that it is not possible for them to deal with it at present.

I have, &c.,

J. MATHESON,
Premier.

His Honour
The Lieutenant-Governor,
Government House,
Charlottetown.

Province of Quebec, Hotel du Gouvernement,
Quebec, 12 Novembre, 1912.

MONSIEUR,

J'ai l'honneur de vous informer que pour faire suite à votre dépêche, portant le No. 1995, en date du 24 Octobre dernier, mon Gouvernement a étudié la résolution de la conférence impériale dans laquelle il est question de l'uniformité des lois accordant des indemnités aux ouvriers qui subissent des accidents.

Il apparaît que les conditions de travail sont tellement différentes dans les diverses colonies britanniques, qu'il est très difficile d'avoir des lois uniformes à ce sujet. L'on constate même qu'elles sont différentes dans les Provinces du Canada.

Mon Gouvernement a mis en vigueur, en 1909, une loi des accidents du travail qui semble donner satisfaction, et il croit qu'il ne serait pas prudent de l'amender, avant qu'elle ait subi l'épreuve du temps.

J'ai, &c.,

F. LANGELIER,
Lieutenant-Gouverneur.

L'Honorable Secrétaire d'Etat,
Ottawa.

Government House, Fredericton,
New Brunswick, November 1st, 1912.

SIR,

In further reply to Your Honour's despatch of the 24th October, 1912, in reference to a Resolution of the Imperial Conference, 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, I now enclose Your Honour a further reply from the Clerk of the Executive Council of this Province, which is self-explanatory.

I have, &c.,

JOSIAH WOOD,
Lieutenant-Governor.

The Honourable
The Secretary of State,
Ottawa.

DEAR SIR,

Fredericton, New Brunswick, October 31st, 1912.

REFERRING to the despatch of the Under-Secretary of State for Canada, of date October 24th instant, in which he refers to your predecessor's despatch of the 1st November, 1911, enclosing a communication from the Clerk of the Executive Council of New Brunswick, dealing with the Resolution of the Imperial Conference, 1911, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, and enquiring whether the report that Your Ministers have no objection to offer to the proposed legislation is to be understood as meaning that your Ministers are in favour of promoting the principle of uniformity by local legislation, I am directed to say that the Province of New Brunswick has now among its Statutes a very comprehensive Act in reference to accident compensation, and that the Executive Council have no objection to promoting legislation with a view to uniformity, provided the same can be done without affecting the efficiency of our own Act.

I have, &c.,

JOS. HOWE DICKSON,
Clerk, Executive Council.

Honourable Josiah Wood, D.C.L., LL.D.,
Lieutenant-Governor, &c.,
Saskville, New Brunswick.

SIR,

Government House, Regina, October 30th, 1912.

I HAVE the honour to acknowledge receipt of a letter from the Under-Secretary of State, dated the 24th instant, inviting my attention to the fact that no reply has been sent to a departmental letter of the 11th September, 1911, with reference to a Resolution of the Imperial Conference respecting uniformity of laws governing accident compensation.

I now enclose certified copy of a Minute in Council bearing on this subject for transmission through the usual channels to the Right Honourable the Secretary of State for the Colonies, and regret the unavoidable delay that has occurred.

I have, &c.,

G. W. BROWN,
Lieutenant-Governor of Saskatchewan.

The Honourable
The Secretary of State,
Ottawa.

CERTIFIED COPY OF A MINUTE OF THE EXECUTIVE COUNCIL OF SASKATCHEWAN, DATED AT REGINA ON WEDNESDAY, SEPTEMBER 4, 1912, AND APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR.

The Executive Council has had under consideration a report from the Attorney-General, dated August 29, 1912, with reference to a despatch from the Principal Secretary of State for the Colonies to His Royal Highness the Governor-General, dated the twenty-fifth day of August, 1911, on the subject of the desirability of greater uniformity throughout the Empire in the law of accident compensation.

Upon consideration of the foregoing report, and on the recommendation of the Attorney-General, the Executive Council advises that approval be given to the principle recommended by the Imperial Conference of 1911, as set forth in Resolution 11, having reference to this matter, and that such approval be communicated through the usual channels to the Secretary of State for Canada.

J. McLEOD,
Clerk of the Executive Council.

No. 215.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13 January, 1913.)

[Copy to Home Office and Board of Trade, 7th February, 1913.]

[Answered by No. 216.]

(No. 102.)

SIR, Government House, St. John's, 26th December, 1912.
 REFERRING to your despatches, No. 201, of the 25th August, 1911, and No. 18, of 18th January, 1912,* on the subject of uniformity throughout the Empire in the law of accident compensation, I have the honour to transmit herewith a letter received from the Colonial Secretary on the subject.

I have, &c.,
 RALPH WILLIAMS.

Enclosure in No. 215.

Colonial Secretary's Office, St. John's, Newfoundland,

December 10, 1912.

SIR, REFERRING to despatches, No. 201, of date 25th August, 1911, and No. 18, of 18th January, 1912, from the Right Honourable the Secretary of State for the Colonies, respecting the desirability of greater uniformity throughout the Empire in the law of accident compensation, I have the honour to intimate that Ministers concur in the principle of the Resolution No. 11 of the Imperial Conference of 1911 regarding this matter.

I beg to return herewith to Your Excellency the original despatch, No. 201, on this subject.

I have, &c.,
 R. WATSON,
 Colonial Secretary.

His Excellency
 Sir Ralph Williams, K.C.M.G.,
 &c., &c., &c.

No. 216.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 90.)	(Western Australia. No. 19.)
(Australia. No. 53.)	(Tasmania. No. 14.)
(New South Wales. No. 23.)	(New Zealand. No. 55.)
(Victoria. No. 12.)	(Union of South Africa. No. 52.)
(Queensland. No. 17.)	(Newfoundland. No. 34.)
(South Australia. No. 15.)	

[SIR,]

[MY LORD,]

Downing Street, 31 January, 1913.

With reference to

Your Royal Highness's despatch, No. 654, of the 5th December,†
 my despatch, No. 218, of 21st May, 1912,‡
 your despatch, No. 112, of 26th November, 1912,§
 your despatch, No. 26, of 22nd May, 1912,||
 my despatch, No. 60, of 21st May, 1912,¶
 your despatch, No. 18, of 3rd April, 1912,**

* Nos. 119 and 129 in Dominions No. 39.
 † Transmitter of No. 135 in Dominions No. 139.
 ‡ 20368; not printed.

§ 13803; not printed.

¶ 41359; not printed.
 ** No. 135 in Dominions No. 39.

† No. 214.

[my despatch, No. 58, of 21st May, 1912,*]
 [my despatch, No. 61, of 18th June, 1912,†]
 [Lord Islington's despatch, No. 125, of 9th August, 1912,‡]
 [my despatch, No. 249, of 21st May,*]
 [Sir Ralph Williams's despatch, No. 102, of the 26th of December, 1912,§]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you, for the information of your Ministers,

[to Canada: the accompanying copy of a despatch§ from the Governor of Newfoundland,]

[to Newfoundland: the accompanying copy of a despatch|| from the Governor-General of Canada,]

[to the others: the accompanying copies of despatches¶ from the Governor-General of Canada and the Governor of Newfoundland,]

on the subject of uniformity in accident compensation law throughout the Empire.

I have, &c.,
 L. HARCOURT.

No. 217.

WESTERN AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copies to Board of Trade, 29 March, and Home Office, 1 April, 1913. L.F.]

[Answered by No. 223.]

(No. 42.)

SIR, Downing Street, 27 March, 1913.

WITH reference to Sir Gerald Strickland's despatch, No. 96, of the 21st December,** I have the honour to inform you that His Majesty will not be advised to exercise His power of disallowance with regard to Acts No. 69 of 1912 of the Parliament of Western Australia, entitled "An Act to amend the law with respect to compensation to workers for injuries suffered in the course of their employment," and No. 57 of 1912, entitled "An Act to amend and consolidate the law relating to the settlement of industrial disputes by arbitration and for other relative purposes."

2. At the same time I shall be glad if you will invite the attention of your Ministers to the fact that The Workers' Compensation Act contains no provision for the collection of annual statistics as to the working of the Act, similar to the provision in Section 12 of The Workmen's Compensation Act, 1906, of the United Kingdom, and I should be glad if your Ministers would consider whether it would not be desirable to make provision for the collection of such statistics on the next occasion when the Act is amended.

3. I shall be glad to receive in due course twenty further copies of Act No. 69.

I have, &c.,
 L. HARCOURT.

No. 218.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7 April, 1913.)

[Answered by No. 224.]

(No. 39.)

SIR, State Government House, Sydney, 2nd March, 1913.

REFERRING to your despatch of 25th August, 1911, No. 120,†† and two subsequent despatches,‡‡ seeking the views of my Government on the question of

* Transmitter of No. 135 in Dominions No. 39. † 18217; not printed. ‡ 29198; not printed.
 § No. 215. ¶ No. 214. ** Nos. 214 and 215. †† No. 120 in Dominions No. 39. ‡‡ 17753/12; not printed (Reminder) and 216.

uniformity throughout the Empire in the law of accident compensation, I have the honour, at the instance of Ministers, to transmit copy of a minute addressed to the Minister for Labour and Industry on the subject by the Industrial Registrar, together with copy of that officer's observations referred to in the minute.

I have, &c.,
CHELMSFORD,
Governor.

(Copy not sent to Governor-General.)

Enclosure in No. 218.

SUBMISSION TO MINISTER.

Department of Labour and Industry,

Sydney, 24th January, 1913.

Subject:—Request of the Secretary of State for the Colonies for the Cabinet's views on the question of the desirability of greater uniformity throughout the Empire in the law of accident compensation.

Minute:—

In making his request the Secretary of State for the Colonies has forwarded a memorandum in which the Home Office state that what was meant by uniformity was not identity of legislation, but the acceptance of the same general principles as the basis of legislation.

I have prepared for the information of the Minister some observations upon the general principles which have been adopted by the mother country as the basis of her later legislation upon the subject of workmen's compensation. These observations contain also, for the purpose of comparison, a statement of the law as it exists in New South Wales. It is to be remarked that there has been a very striking development of thought and legislation in Great Britain upon the subject since the receipt of the memorandum of request referred to.

The conclusion which I desire to be drawn from my observations is that it is highly expedient that the same general principles as have been declared for by Great Britain in its newly promulgated law of national insurance should be not only accepted in their entirety but extended upon the lines of the German scheme for social insurance by this State.

J. B. HOLME,
Industrial Registrar.

The Honourable the Minister
for Labour and Industry.

OBSERVATIONS UPON THE ENGLISH AND LOCAL LAW AFFECTING WORKMEN'S COMPENSATION.

The law of England as to the liability of employers in respect of personal injuries to their servants is composed of both common law and statutory elements. At common law the liability is of an exceedingly limited character, being confined practically to those injuries to the servant which are caused by the master's own negligence. Negligence which causes injuries to servants may, as experience shows, be attributable to the master, to a fellow-servant, to a stranger, or it may be purely accidental; and at common law, while in the second or third cases the person injured must content himself with his remedy against the wrong-doer, he has in the last case no redress whatever. Further, at common law, if the injury is natural to the service there is again no redress, the servant being considered as having assumed the risks of the service. And, finally, the right to recover damages against the master is limited to those cases in which the servant has not by his own negligence contributed to his injury.

The master is deemed at common law to be negligent if he fails to exercise such a degree of skill and care as is customary amongst employers of his class in carrying out the work to his hand or in selecting the persons by whom the work is to be carried out. So he must not put incompetent men on to take part in the work, and he must provide tools and machinery which are fit and proper for the

work. This law survives from the time when employers worked with their men, and when employees were gathered together in small groups. It has been left to the statutory law to take account of the factory system, the enormous modern uses of applied power, and the now more complicated and dangerous conditions of industries.

The first articulate protest in England against this condition of the law was the Employers Liability Act of 1880, which was passed for the purpose of limiting the defence of common employment in certain specified cases. This Act left it necessary to prove negligence and disprove contributory negligence, but it deprived the employer, as against the workmen who came within the Act, of the right to defend himself behind the plea that the negligence complained of was the negligence of a servant in common employment. The Act applied to railway servants and persons who, being labourers, servants in husbandry, journeymen, artificers, handicraftsmen, miners, or persons otherwise engaged in manual labour . . . had entered into or worked under a contract with an employer . . . whether such contract were a contract of service or a contract personally to execute any work or labour. The Act did not make a master liable for the negligence of all his servants, but for that only of such as were entrusted with the supervision of machinery and plant, with superintendence or the power of giving orders, or, in the case of a railway, with the control of signals, points, engines, or trains; and under the Act an employer was not to be liable if it could be shown that the workman knew of the defect or negligence which caused his injury and failed within a reasonable time to give or cause to be given information thereof to the employer or to some person superior to himself in the service of the employer, unless he was aware that the employer or such superior person already knew of such defect or negligence. The amount of compensation was not left by the Act to the jury, but was limited to such sum as might be found to be equivalent to the estimated earnings during three years preceding the injury of a person in the same grade employed during those years in like employment and in the district in which the workman was at the time of his injury. And the right to recover was hedged with conditions such as that the proceedings must be taken in a County Court, within a limited time, and subject to notice served. Where the injury caused death an action was maintainable for the benefit of those who came within the protection of Lord Campbell's Act.

The law remained in this state in England until the year 1897, when Parliament took a step which amounted to a radical alteration of the principle behind the right to claim, and the liability to give, compensation. Prior to that year the foundation of a master's liability had been negligence in himself or his servants. But by the Act of 1897 certain servants of certain employers had bestowed upon them the right of compensation for injuries irrespective of any considerations of negligence or contributory negligence. The Act was experimental in its purposes and dealt but partially with certain selected industries. It, in fact, made the employer within its limited area an insurer of his employees. It applied to workmen employed at, in, or about railways, factories, mines, quarries, engineering shops and buildings of certain kinds specified, while they were there and while their employer's business was there being carried on; and the word "workmen" connoted every person engaged in such employment, whether by manual labour or otherwise, and whether by an engagement of service or of apprenticeship or otherwise. In the year 1900 the benefits of the Act of 1897 were extended to agricultural labourers.

From the 1st July, 1907, the Workmen's Compensation Act of 1906 extended an employer's liability to insure practically to all persons in his service, except those who were employed otherwise than by way of manual labour and in receipt of remuneration exceeding £250 a year. It, however, does not apply to persons whose employment is of a casual nature or who are employed otherwise than for the purpose of the employer's business or who are out-workers or members of the employer's family living at home. The Act is intended to apply to seamen. The conditions of claim are:—

- (1) A personal injury accidentally suffered, including disablement caused by certain occupational diseases. (If the disease has been contracted by gradual processes all employers who have employed the workman during the previous twelve months in the employment to which the disease was due are liable to contribute a share of the compensation assessed.)

- (2) The injury must have been received in the course of employment.
- (3) The injury must have disabled the workman for a period of at least one week from earning full wages at his work.
- (4) Notice of the accident must have been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and a claim must have been made within six months from the occurrence of the accident or from the time of death.
- (5) The injured workman, if so required by the employer, must submit himself to medical examination.

The only defence of the employer, after fulfilment by the person injured of the conditions specified, is that the injury arose from the serious and wilful misconduct, but not mere negligence, of the workman. In case of his death, the workman's "dependants," that is, such of the members of his family as were at the time of his death wholly or in part dependent upon his earnings for their maintenance, succeeded to the right of compensation. And the definition of the phrase "members of family" is very remarkable, inasmuch as it includes illegitimate relations in the direct line.

The compensation granted under the Act is for loss of wages only, and is based upon the actual previous earnings of the injured workman. Thus, in case of death, the amount recoverable is a sum equal to the deceased's earnings in the employment of the same employer during the three years next preceding the injury, but not less than £150 and not more than £300; and, if the period of his employment with that employer has been less than three years, then the amount of his three years' earnings is to be deemed to be 156 times his average weekly earnings during the actual period of employment. If, however, a workman leaves partial dependants only, the amount may be reduced to such sum as is reasonable and proportionate to the injury to them; and if he leaves no dependants, the amount recoverable is the reasonable expense of his medical attendance and burial, not exceeding £10. In case of total or partial incapacity for work the employee may recover during the period of incapacity commencing after the second week, firstly, not exceeding fifty per cent. of his average weekly earnings during the previous period of his continuous employment; and, secondly, not exceeding £1; and such amount has to be fixed after due consideration given to his altered earning capacity and to any payments other than wages made by the employer in respect of his injury. This weekly payment may from time to time be reviewed at the request of either party upon evidence of a change in the circumstances of the person injured, and, after six months, may be redeemed by the employer by payment of a lump sum. "Contracting out" of the provisions of the Act is not permitted save where a scheme of compensation benefit or insurance in the employer's service has been certified by the Registrar of Friendly Societies to be not less favourable than the provisions of the Act, and to confer benefits at least equal to any contributions made in addition to benefits which would have flowed under the Act.

All questions as to liability under the Act, if not settled by agreement, are referred to arbitration under the Act. The Act, it is to be noticed, does not affect the workman's rights at common law, or under the Employers Liability Act, but although three remedies thus remain open to him the employee is at liberty to enforce but one.

On the 16th December, 1911, the British Parliament, profiting by German social enterprise and intelligence in the same field, passed an epoch-making statute entitled "The National Insurance Act, 1911."

If the Act of 1897 was "a revolution in the law in employers' liability," then the National Insurance Act may be said to have been a transfiguration of that revolution. The Act is divided into three parts, the first of which deals with health insurance, the second with unemployment insurance, and the third with miscellaneous arrangements. There are no employed persons in the British community that will not be to some extent affected by the operations of the Act.

Health insurance applies compulsorily to the whole industrial population of the United Kingdom, including the army and navy and the mercantile marine, but it does not affect the incidence of the pre-existing liability of employers for accidents, provision being made that benefits under the insurance scheme are not to be paid to persons who are rendered incapable of work by such accidents. This part of the Act is further intended to be a complement of the old age pensions

scheme, and its functions will cease with the arrival of the age when pension benefits become payable. The administrative machinery for carrying out the provisions of the Part is largely in the hands of the persons insured. The rates of contribution and benefit are the same for all persons insuring contemporaneously, irrespective of their age; and the cost of insurance is borne by employers, employees, and the State. The project of compulsory insurance is also used as a vehicle for the advancement of voluntary insurance. Part 1 makes special provision for women at the time of their confinement; it aims purposively at the plague of consumption; and it opens the door to possibilities of international insurance by admitting of transfers to and from similar schemes in foreign countries.

The persons covered by the Health Insurance Part of the Act are all persons, whether British subjects or aliens, male or female, married or single, between the ages of 16 and 65, who are engaged in manual labour in a contract of service whatever the amount of their wage; and all persons engaged in work other than manual labour whose incomes do not exceed £160 per annum; but persons whose employment is not the principal means of their livelihood are excluded. It is estimated that this field alone will comprise 13,000,000 insured persons. Insured persons may either become members of approved societies, or may become deposit contributors. Members of approved societies enjoy the protection of insurance in its fullest sense, whereas deposit contributors will have only benefits not exceeding the value of their contributions to the Post Office fund, together with the State contribution to that fund.

The benefits conferred under this part are medical benefits; that is, medical treatment and attendance, including the provision of medicines and all necessary medical and surgical appliances; sanatorium benefit, that is, refuge and home treatment for insured persons suffering from tuberculosis or other proclaimed diseases; sickness benefit, that is, a money payment of 10s. per week to men, or 7s. 6d. per week to women, for 26 weeks from the fourth day after the insured person has been rendered incapable of work by disease or disablement—but no person is entitled to the benefit unless and until 26 weeks have elapsed since his date of entry into the fund and 26 weekly contributions have been paid in respect of him; disablement benefit, that is, a money payment of 5s. per week to any insured person who has been in receipt of sickness benefit for 26 weeks, but is still incapable of work, for so long as he remains incapable up to the age of 70; maternity benefit, that is, the payment of 30s. in the case of the confinement of the wife of an insured person or of a woman who is herself an insured person. The right of medical benefit continues throughout the life of the insured person, and is only suspended if and when that person is in arrears of more than 26 contributions a year on an average. Insured persons are not entitled to sanatorium benefit as a right, but they must be recommended for it by the administrative Insurance Committee. Insured persons may receive this benefit throughout life. The right to sickness benefit is suspended if the contributor is in arrears of more than 13 weekly contributions a year on the average; and the benefit is not payable after the contributor has reached the age of 70. Disablement and maternity benefits may, during the time that a person is in a hospital or sanatorium, be paid to his dependants, or even to the hospital, or may be spent in surgical appliances for the insured person. The benefits in all cases are untransferable.

Funds for providing the benefits enumerated above and for defraying the cost of administering Part 1 of the Act are derived as to seven-ninths (in the case of males and as to three-fourths in the case of females) thereof from contributions by employers and employee, and as to the remaining two-ninths (or one-fourth) thereof from money provided by Parliament. Contributions are payable in respect of each week that the employee is employed. The full contribution must be paid in the first instance by the employer, but he is entitled to deduct from his employee's wages that part of the contribution which he paid on his behalf. The ordinary rate for England, Scotland and Wales is 7d. per week in the case of men and 6d. per week in the case of women, payable as to 3d. by the employer and as to the balance by the employee. There is, however, a slight variation with persons receiving very low wages; and in certain cases the State will bear 1d. of the employee's contribution in addition, of course, to its original share of the cost of benefits. Payment of contributions is made by affixing stamps to cards in accordance with regulations promulgated. If the employer fails or neglects to pay the contribution of his employee he is liable to a fine not exceeding £10, as well as to payment of the sums in arrears. The employer may also be called upon to pay the value of any benefit

which a member has lost owing to his employer's neglect. Contributions are deemed to be payable weekly, and arrears are calculated on a yearly average of weekly contributions. A person, therefore, who gets into arrears of contributions and then gets regular employment may decrease the amount of such arrears proportionately to the amount of time he remains in regular employment; and the table of reduction of benefits is so framed that arrears amounting to less than four contributions a year in the average entail no reduction of benefits. Further, no account is taken of arrears which accrue due during incapacity in the case of a male, or during two weeks before and four weeks after her delivery in the case of a mother, or during, in the case of widows, the time that they were married.

The estimated cost of these benefit provisions is assessed for the year 1912-13 at £1,600,000; 1913-14, £4,050,000; up to £5,780,000 in the year 1922-23.

The second part of the Act, that is, the scheme of insurance against unemployment, depends equally upon the principle of compulsion, but because of its more highly tentative character it is not at present of universal application. Persons who must insure under the scheme are all persons occupied wholly or mainly by way of manual labour, skilled or unskilled, in—

- (a) the construction, alteration, repair, decoration or demolition of buildings;
- (b) the construction of works such as railroads, docks, harbours, canals, bridges, piers, &c.;
- (c) the construction, alteration, repair, or decoration of ships;
- (d) mechanical engineering, including the manufacture of ordnance and firearms;
- (e) construction of vehicles;
- (f) ironfounding;
- (g) certain kinds of sawmilling;

but apprentices and persons under the age of 16 are excluded, and workmen who are engaged occasionally only in the insured trades in a rural district need not contribute unless both employer and employee agree so to do. The Act contains authority for the extension of the provisions of this part under certain conditions to trades other than those specified.

The contributions under the scheme amount to 5d. per person insured per week, and the sum is payable as to one-half by the employers and as to the other half by the workmen. The employer pays in the first instance, but he may deduct from the workmen's wages their share of the amount paid. Where the period of employment exceeds one day, but is less than two days, the contribution is reduced to 4d., and where the period of employment is one day or less the contribution is reduced to 2d. If the employer fails to pay the workmen's contribution the obligation falls upon the workmen. Failure to pay contributions renders employer and workmen liable to a fine not exceeding £10 and to payment to the unemployment fund of a sum equal to three times the amount overdue. The State is a contributor to the unemployment fund to the extent of one-third of the total contribution from workmen and employers, or 1½d. per week per workman, and the State bears the cost of administration over 10 per cent. of the income of the fund. Rebates become available under certain conditions, *e.g.*, where the employer has employed the same workman continually throughout a period of twelve months, that employer may be refunded by the Board of Trade out of the unemployment fund one-third of his own contributions to that fund; further, where during a period of depression an employer, instead of reducing his staff systematically works short time, he may be refunded both his own and the workmen's contributions paid by him; and in a third case, where an arrangement is made between an employer and a labour exchange for the representation of such employer by such exchange, both employer and workmen are entitled to treat intermittent periods of employment by different employers as continuous employment with one employer. It follows, therefore, that the most expensive thing that an employer can do is to engage different men for short periods of the day throughout the week, and the most economical thing he can do is to employ regular rather than casual labour. An inducement to the employee to seek regular employment is offered in the provision that a workman who has attained the age of 60 years may obtain a refund from the unemployment fund of all his own contributions to the fund less any sums paid to him by way of benefit, together with compound interest at 2½ per cent.

The benefits offered by the second part are a money payment of 7s. per week during unemployment after the first week of such unemployment, subject to the conditions:—

- (1) that the workman has been employed in an insured trade throughout 26 separate weeks during the preceding five years;
- (2) that he has made application for unemployment benefit in the manner prescribed;
- (3) that since the date of application he has been continuously unemployed; and
- (4) that he is capable of work and unable to obtain suitable employment.

Offers of work in a situation vacant in consequence of a trade dispute, or at lower wages than those habitually obtained in the district where he was last working or in any other district at a rate of wages lower than the standard rate of that district, are not considered suitable and involve no forfeiture of benefits. A workman is, however, disqualified from receiving benefits if he has lost his work through a stoppage due to a trade dispute at the place where he worked; if he loses his work by misconduct; if he goes to prison or to a workhouse; or if he is in receipt of sickness or disablement benefit under Part 1. But a workman, while not disqualified from benefits if his factory shuts down owing to a strike in some other place, is disqualified if the employer locks out his men in sympathy with a trade dispute at some other place carrying on the same business. And where in any given factory different branches of work are carried on in separate departments, each department is, for purposes of this disqualification, to be deemed a separate factory, with the result that a man who is employed in one department will not be disqualified if the factory closes down owing to a trade dispute in some other department. The rules regulating the length of time during which benefits will flow are (1) that one workman cannot obtain more than 15 weeks' benefit in any given twelve months; and (2) that a workman is only entitled to one week's benefit for every five weekly contributions that he has paid.

The unemployment fund created by contributions, and the State subsidy payable under the second part of the Act, is controlled by the Board of Trade, and power is given to the Treasury to advance sums to the fund from time to time up to £3,000,000.

The total number of insured workmen is estimated at 2,511,500, the average annual contribution 9s. 2d. from each workman, 7s. 10d. from each employer, and 6s. 1½d. per workman from the State, or a total of 23s. 1½d., which, after payment of the cost of administration, leaves 20s. 9½d., for payment of benefits. It is estimated that 20s. per workman per annum will be paid in benefits.

The third part of the Act contains provisions which protect insured persons from legal distress and execution while receiving sickness benefits; provisions enabling minors to execute necessary documents; provisions enabling insurance officers to provide technical instruction for such workmen as repeatedly fail to obtain employment from lack, skill, or knowledge; provisions for the issue of stamps for the purposes of the Act; provisions for the endowment of inspectors with necessary powers; provisions for the making of regulations, &c., &c.

Compendiously it may be said that the modern English conception of social duties in that area of Government which subserves industrial welfare and progress is indicated by a trinity of legal elements; the common and statute law upon the subject of employers' liability and workmen's compensation; the Old Age Pensions Act of 1908; and the National Insurance Act of 1911. None of the three constituent elements can be usefully regarded in the abstract; each is a complement of the others. That the larger scheme in which they inhere is as yet but newly discerned and roughly mapped out affects their essential dependence not at all, but it produces in practice somewhat anomalous results. Thus, whereas the administrative machinery in the National Insurance Section is supplied by the Board of Trade, State-constituted Commissioners, and approved Committees; and while such machinery is in the Old Age Pensions section supplied by the Treasury and delegate Local Government Boards, corresponding machinery in the Employers' Liability and Workmen's Compensation section is left to be largely supplied by

profit-making private casualty insurance companies, with consequences which are demonstrably sinister. And again, as before stated, the common law liabilities and rights of action, together with the rights and liabilities which were created by the Employers' Liability Act of 1880, remain and may be enforced. But with the principle of social insurance established as it is by the Act of 1911 it is to be expected that such a contrariety in the law will not long continue.

In comparison the condition of the law of the State of New South Wales is primitively crude.

The law of New South Wales has been based upon English legislation, but it has not advanced past the rudimentary conditions of the English Act of 1897. The New South Wales Employers' Liability Act of 1897 gave a workman who had suffered personal injury in the course of his employment the same common law remedies against his employer as if he had been injured by one not his employer, and the Workmen's Compensation Act of 1910 introduced locally, with certain minor variations, the English Act of 1897. The last-mentioned Act, which came into operation on the 18th January, 1911, provides for compensation to workmen for injuries suffered in the course of employment in or about any railway, tramway, factory, workshop, mine, quarry, wharf, vessel, engineering or building work where four or more persons are employed. It does not apply to casual workers, nor does it provide for compensation in respect of injuries which disable a workman for less than two weeks, nor in respect of injuries caused by a workman's misconduct. In case of death, compensation ranges from £200 to £400, where there is a large body of dependants, and is limited to £12 only where there are no dependants. In case of total or partial disablement the employee may have a weekly payment not exceeding fifty per cent. of his average weekly earnings, provided such payment does not exceed £1 per week, or a total liability on the part of the employer of £200. Employees under 21 years of age who are receiving less than 20s. per week may have a sum not exceeding 10s. per week, even if it be their full wages; and aged and infirm workmen may contract themselves out of the general provisions. The Act also provides for the substitution for its provisions of such private schemes of compensation as the Registrar of Friendly Societies may certify as being not less favourable to the workman and his dependants than the provisions of the Act. But this Act does not exclude the operation of the general common law or Employers' Liability Act of 1897.

In New South Wales the employers' liability, even when apparent, must be established by processes of litigation, and an injured employee may, and indeed frequently does, by reasons of misfortune, fail to make good his case, and, while suffering the loss of compensation, has also to bear the costs of his litigation. The employee, further, even when a successful litigant, is bound to forfeit some proportion of the moneys so hardly recovered by him by way of lawyers' fees. On the other hand, the employer is sometimes held liable where he ought not to be, and he may secure a verdict for damages, which, although just in the abstract, involves, by reason of the vagaries of juries, an assessment upon no intelligible standard whatever. And where the employer defeats his plaintiff he is frequently in the position of having to pay the full costs of his own defence. The law such as we have it, then, means delays, aggravation, inequality of operation, and, worst of all, a premium to those who are prepared unscrupulously to speculate upon the distresses of others. The resultant frustration of mutual adjustments, and perversion to evil and selfish ends of part of the compensation which should go to the person injured, represents a prodigious and very deplorable social waste.

The principle now adopted in England and which has also for long past been applied with splendid results in the Empire of Germany, is undoubtedly a principle which calls for immediate adoption in this State. Improvements in the liability law alone will not suffice; it is essential that employer, employee, and the State should combine to furnish a joint safeguard against the exigencies of the industrial life of the community. Germany, which has had a Compulsory Accident Insurance Law since July, 1884, a law out of which persons concerned may not contract themselves, and the administration of which falls to the employers' cost exclusively, shows irresistible reasons for the claim. So far from hampering industry the cost of insurance has, in German experience, been the very cause itself of the present high national improvement in processes of production, for employers have neutralised the

increase in working expenses by improvements in working conditions. It is precisely within the last 28 years that Germany has increased her population from 46,000,000 to 65,000,000; and she is now found to be steadily increasing her people at the rate of 1,000,000 per year. Within the same period she has advanced from the fourth to the second place in the world's trade; and she is now a very little distance behind her leader in the volume of her foreign trade. Contemporaneously the property accumulations of the people have doubled in value, and there are now about 18,000,000 savings bank accounts. Wages also have within the same series of years, as is proved by social insurance statistics and expert investigation, risen, on the average, for unskilled workmen about 25 per cent. and for skilled workmen about 50 per cent. The increase has not been accounted for or counteracted by a greater cost of living, for consumption of the necessary means of subsistence has steadily increased, and the standard of living has improved. Finally, the apparent longevity of the people has risen from 38.1 to 41.85 years for males and from 42.5 to 54.9 years for females; and the general rate of mortality has diminished, mortality from tuberculosis alone falling by 40 per cent. And it is indubitable that this unexampled advance of Germany during the period indicated has had for one of its important causes the bold adoption by the nation of its present scheme of social insurance.

J. B. HOLME,
Industrial Registrar.

24th January, 1913.

15229

No. 219.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5 May, 1913.)

[Copy to Home Office and Board of Trade, 10 May, 1913. L.F.]

(No. 75.)

SIR,

Governor-General's Office, Melbourne, 2nd April, 1913.

WITH reference to your despatch dated 25th August, 1911, No. 377,* and subsequent correspondence with respect to the desirableness of greater uniformity throughout the Empire in the law of accident compensation, I have the honour to inform you that my Prime Minister advises that, so far as the jurisdiction of the Commonwealth extends, the law on this matter has been brought into substantial uniformity with the law of the United Kingdom by the Seamen's Compensation Act, 1911, and the Commonwealth Workmen's Compensation Act, 1912.

I have, &c.,
DENMAN,
Governor-General.

16752

No. 220.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 19 May, 1913.)

[Copy to Home Office and Board of Trade, 23 May, 1913. L.F.]

[Answered by No. 225.]

(No. 48.)

SIR,

Government House, Wellington, 3rd April, 1913.

WITH reference to your despatch of the 31st January, No. 55,† transmitting,

* No. 121 in Dominions No. 39.

† No. 216.

for the information of my Ministers, copies of despatches from the Governor-General of Canada and the Governor of Newfoundland on the subject of uniformity in accident compensation law throughout the Empire, I have the honour to inform you that the following is a copy of a minute which I have received from my Prime Minister on the subject:—

"The Prime Minister presents his compliments to His Excellency the Governor, and begs to state that the correspondence contained in this despatch has been perused. It is noted that the general opinion of the Governments of the various Dominions of the Crown goes to show that there would be considerable difficulty in bringing about uniformity respecting accident compensation law. The New Zealand Government will, however, be prepared to favourably consider any further proposal that may be made in the future on the subject."

I have, &c.,
LIVERPOOL,
Governor.

H542

No. 221.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 392.)	(Western Australia. No. 64.)
(Australia. No. 306.)	(Tasmania. No. 55.)
(Victoria. No. 61.)	(New Zealand. No. 189.)
(Queensland. No. 59.)	(Union of South Africa. No. 223.)
(South Australia. No. 55.)	(Newfoundland. No. 126.)

SIR,
MY LORD,

Downing Street, 21 May, 1913.

WITH reference to my despatches, Nos. [90] [83] [12] [17] [15] [19] [14] [55] [52] [34], of the 31st January,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of a despatch† from the Governor of New South Wales, on the subject of uniformity throughout the Empire in the law of accident compensation.

I have, &c.,
L. HARCOURT.

H542

No. 222.

COLONIAL OFFICE TO HOME OFFICE AND BOARD OF TRADE.

SIR,

Downing Street, 23 May, 1913.

WITH reference to the letter from this Department of the 7th February,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Mr. Secretary McKenna] [the Board of Trade], a copy of a despatch† from the Governor of New South Wales, on the subject of uniformity throughout the Empire in the law of accident compensation.

A copy has also been sent to the [Board of Trade] [Home Office].

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 216.

† No. 218.

‡ Transmitting copies of Nos. 214 and 215.

19277

No. 223.

WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 7 June, 1913.)

[Acknowledged 13 June, 1913. No. 69.]

[Copy to Home Office, 14 June, 1913. L.F.]

(No. 39.)

Government House,

Perth, Western Australia, 7th May, 1913.

SIR,

WITH reference to your despatch, No. 42, of the 27th March, 1913,* I have the honour to inform you that the matter to which attention is called in paragraph 2 thereof has been duly noted by my Ministers.

2. Instructions have been issued for the transmission to you of twenty copies of Act No. 69 as requested.

I have, &c.,
HARRY BARRON,
Governor.

16752

No. 224.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 432.)	(South Australia. No. 57.)
(Australia. No. 335.)	(Western Australia. No. 66.)
(New South Wales. No. 90.)	(Tasmania. No. 59.)
(Victoria. No. 66.)	(Union of South Africa. No. 249.)
(Queensland. No. 63.)	(Newfoundland. No. 137.)

[SIR,

Downing Street, 10 June, 1913.

[MY LORD],

WITH reference to [my despatch, No. (392) (306) of the 21st May,†] [Lord Chelmsford's despatch, No. 39, of the 2nd March‡] [my despatch No. (61) (59) (55) (64) (55) (223) (126) of the 21st May,†] I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a despatch§ from the Governor of New Zealand, on the subject of uniformity throughout the Empire in the law of accident compensation.

I have, &c.,
L. HARCOURT.

15229

No. 225.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 450.)	(Western Australia. No. 72.)
(New South Wales. No. 102.)	(Tasmania. No. 62.)
(Victoria. No. 71.)	(New Zealand. No. 222.)
(Queensland. No. 67.)	(Union of South Africa. No. 258.)
(South Australia. No. 59.)	(Newfoundland. No. 148.)

[SIR,

Downing Street, 18 June, 1913.

[MY LORD],

WITH reference to [my despatch, No. (432) (90) (66) (63) (57) (66) (59), of the 10th June,||] [Your Excellency's despatch, No. 48, of the 3rd April,§]

* No. 217.

† No. 221.

‡ No. 218.

§ No. 220.

|| No. 224

[my despatch, No. (249) (137), of the 10th June,*] I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, a copy of a despatch† from the Governor-General of the Commonwealth of Australia, on the subject of uniformity throughout the Empire in the law of accident compensation.

I have, &c.,
L. HARCOURT.

19277

No. 226.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 496.)	(South Australia. No. 65.)
(Australia. No. 382.)	(Tasmania. No. 68.)
(New South Wales. No. 113.)	(New Zealand. No. 242.)
(Victoria. No. 81.)	(Union of South Africa. No. 284.)
(Queensland. No. 74.)	(Newfoundland. No. 163.)

[Sir] [My Lord],

Downing Street, 2 July, 1913.

With reference to my despatch,
[No. 450, of the 18th June,†]
[No. 335, of the 10th June,*]
[No. (102) (71) (67) (59) (62) (222) (258) (148), of the 18th June‡],
I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of Act No. 69, of 1912, of the Parliament of Western Australia, entitled "An Act to amend the law with respect to Compensation to workers for Injuries suffered in the Course of their Employment," together with copies of correspondence§ with the Governor of Western Australia on the subject.

I have, &c.,
L. HARCOURT.

* No. 224.

† No. 219.

‡ No. 225.

§ Nos. 217 and 223.

10.

(RESOLUTION XII): DEPORTATION OF ALIENS.

24609

No. 227.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6 August, 1912.)

[Copy to Home Office, 12 August, 1912. L.F.]

(No. 427.)

Sir,

Moncton, New Brunswick, 29 July, 1912.

I HAVE the honour to forward, herewith, for transmission to the Home Office, copies of a letter from the Department of External Affairs, dated 22nd July, respecting the deportation of aliens from Canada to the United Kingdom.

Reference to previous despatch: Colonial Office, No. 284, 20th April, 1912.*

I have, &c.,
ARTHUR.

Enclosure in No. 227.

FROM EXTERNAL AFFAIRS DEPARTMENT TO GOVERNOR-GENERAL'S SECRETARY.

Ottawa, 22nd July, 1912.

Sir,

With reference to the despatch to His Royal Highness from the Secretary of State for the Colonies, No. 284, of the 20th April last, on the subject of the deportation of aliens from Canada to the United Kingdom, enclosing a communication from the Home Office in which attention was called to the fact that eighteen out of one hundred and twenty aliens deported from Canada in 1911 were allowed to remain in the United Kingdom, I have the honour to inform you that the Canadian Emigration Officer in London has reported that the eighteen aliens who were allowed to remain in England had all been booked in that country, and had previously had a long residence there, so that he is in doubt whether they were liable to expulsion, and he is satisfied that the Home Office do not desire that any special steps should be taken in regard to them.

I have, &c.,

W. H. WALKER,

Acting Under-Secretary of State for External Affairs.

The Governor-General's Secretary,
Ottawa.

* No. 140 in Dominions No. 33.

(RESOLUTION XIV.): CHEAPER CABLE RATES; AND (RESOLUTION XV.):
STATE-OWNED ATLANTIC CABLE.

26764

No. 228.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26 August, 1912.)

[Answered by Nos. 230 and 232.]

(No. 142.)

Governor-General's Office,
Melbourne, 11th July, 1912.

Sir,

REFERRING to your cablegram dated 18th April, and your despatch of 19th April last, No. 175,* on the subject of the reduction of cable rates and the advisability of the construction of a State-owned Atlantic cable, I have the honour to inform you that I am advised by His Majesty's Prime Minister of the Commonwealth that the Government considers that the concessions referred to in the speech delivered by Mr. Samuel in the House of Commons on the 3rd April, "involving merely an arrangement for deferred messages and cable letters," do not fulfil the expectations raised in the minds of those who attended the Imperial Conference with respect to the reductions mentioned in the resolution on the subject (No. XV.).

The Prime Minister informs me that the Government "is still strongly in favour of a State-owned Atlantic cable, and is of opinion that a Conference should be called to consider the matter in terms of the resolution of the recent Imperial Conference."

I have, &c.,
DENMAN,
Governor-General.

26764

No. 229.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by 37769: not printed.]

Sir,

Downing Street, 4 September, 1912.

With reference to the letter from this Office of the 20th April† and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, stating that the Commonwealth Government desire that a Conference should be called to consider the question of a State-owned Atlantic Cable.

2. Mr. Harcourt would be glad to learn what reply should, in Mr. Samuel's opinion, be made to this proposal.

I am, &c.,
H. W. JUST.

* Nos. 181 and 182 in Dominions No. 39.

† L.F. transmitting copy of No. 181 in Dominions No. 39.

‡ No. 228.

37769

No. 230.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 510.)

My LORD,

Downing Street, 29 November, 1912.

WITH reference to my despatch, No. 361, of the 5th of September,* I have the honour to request Your Excellency to inform your Ministers that since the date of the receipt of your despatch, No. 142, of the 11th of July,† considerable further reductions have been effected in the trans-Atlantic cable rates and certain other arrangements are under consideration.

2. Pending the completion of these arrangements, which it is hoped will take place at an early date, His Majesty's Government propose to defer their reply to the suggestion for the summoning of a subsidiary Conference to discuss the question of a State-owned Atlantic cable.

I have, &c.,

L. HARCOURT.

22

No. 231.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by 4496 : not printed.]

Sir,

Downing Street, 13 January, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st December,‡ on the subject of reductions in the transatlantic cable rates, and to transmit to you, for the information of the Postmaster-General, copies of telegrams and despatches§ which have been addressed to the self-governing Dominions announcing the reductions.

2. Mr. Harcourt regrets that, having regard to the terms of the letter from this Department of the 13th ultimo,§ the reductions were not reported to this Office in time for a telegram to be sent to the Governor-General of the Commonwealth before any announcement on this subject appeared in the Press.

3. The correspondence with regard to the establishment of a service of week-end cable letters with Australia and New Zealand, copies of which accompanied your letters of the 17th December and of the 6th January,|| has now been forwarded to the Governor-General.

4. Mr. Harcourt would, however, be glad to receive at the earliest convenience of the Postmaster-General a reply to the suggestion made by the Government of the Commonwealth of Australia in Lord Denman's despatch of the 11th July last,† a copy of which accompanied the letter from this Office of the 4th September,‡ that a conference should be called to consider the question of a State-owned Atlantic cable.

5. I am to request that you will remind Mr. Samuel that at the Imperial Conference of 1911 Mr. Harcourt undertook to give effect between that date and the next Conference to all agreed questions which might be decided upon by the Conference or at any of its Committees (see pages 190-1 of [Cd. 5745]). In view of the terms of Resolution XV of the Conference, it is therefore impossible for His Majesty's Government to decline to take part in the proposed subsidiary Conference, unless they are in a position to show that considerable reductions in transatlantic cable rates have been effected, and Mr. Harcourt will, therefore, be glad to receive a statement from Mr. Samuel showing, if it is the case, that the reductions already effected are sufficient to meet the terms of Resolution XV. It appears to Mr. Harcourt that, as no reductions have been made in the case of ordinary code telegrams, the Dominion Governments will probably not regard the reductions as sufficient.

I am, &c.,

H. W. JUST.

* Acknowledgment of No. 228.
§ 35806 : not printed.

† No. 228.
‡ 40020, and 749 : not printed.

‡ 41519 : not printed.
§ No. 229.

4496

No. 232.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to General Post Office, 15 February, 1913. L.F.]

(No. 105.)

My LORD,

Downing Street, 7 February, 1913.

WITH reference to the correspondence* noted in the margin, I have the honour to request Your Excellency to inform your Ministers that the question of the proposed holding of a Conference to discuss the question of a State-owned Atlantic cable has been carefully considered by the Postmaster-General and myself.

2. Mr. Samuel desires to point out that in submitting the resolution which was passed at the Conference (namely, "that in the event of considerable reductions not being effected in the near future in the Atlantic cable rates it is desirable that the laying of a State-owned cable between the United Kingdom and Canada be considered by a subsidiary Conference"), he specified the reductions which His Majesty's Government had in view, and the date from which it was contemplated that those reductions should take effect. These reductions, as your Ministers are aware, were all duly carried into effect, and certain further reductions have been since obtained.

3. I enclose a table showing the rates between the United Kingdom and Canada, Australia, New Zealand, and South Africa and India, in force at the time of the Imperial Conference and now. Statistics are being collected, showing the effect of the new rates on the traffic between the United Kingdom and Australia, and will be sent to you as soon as possible.

4. It is regretted that so far it has not been practicable to obtain a reduction in the rate for trans-Atlantic code telegrams, but the matter will come up for further consideration together with the rates charged for deferred telegrams and cable letters in a year's time.

5. It is, however, doubtful whether it would be possible to arrange for any material alteration in the charge for code telegrams to Australia while the terminal charge in the Commonwealth for full-rate messages remains as high as 5d. a word, and, in the Postmaster-General's opinion, it is desirable that the question of effecting a reduction in that rate should receive the careful consideration of your Ministers. It is understood that at the instance of the Government of New Zealand the Pacific Cable Board are bringing this question before the Governments interested in the Pacific Cable.

6. The Postmaster-General feels that it would be difficult for him to support the policy of providing a State-owned Atlantic cable with a view to obtaining still further reductions in the trans-Atlantic charges, seeing that such a cable (assuming that it were entirely confined to Pacific Cable business) could not be worked on a commercial basis without a deficit, amounting on the basis of the latest traffic returns to at least £20,000 a year. The strategic advantages claimed for such a cable do not, in Mr. Samuel's opinion, carry much weight, since all the thirteen trans-Atlantic cables from the United Kingdom are landed in North America on Newfoundland or Canadian territory, and in case of emergency the Imperial Government and the Governments of Canada and Newfoundland would enjoy as complete control as if the cable were State-owned.

7. Further, the progress made in long distance wireless telegraphy suggests that this less costly means of communication will become in the near future a serious competitor of the cables, and affords a prospect of adequate services at lower rates than would be possible by cable. In the opinion of the Postmaster-General, therefore, the present time is inopportune for the expenditure of large sums on the laying of State cables.

8. These considerations were put in March, 1912, before the meeting of the Association of Chambers of Commerce by Sir John Barran, M.P., with the result that a motion which was before the meeting advocating the provision of a State-owned Atlantic cable was withdrawn.

* Nos. 228 and acknowledgment and 230 ; 40020, 41519, 749, 1630 : not printed.

9. I shall be glad to learn whether your Ministers, after reading this despatch, still desire that a Conference should be called to consider the advisability of the construction of a State-owned Atlantic cable. If so, I will communicate with the Governments of the other self-governing Dominions to ascertain their views on the proposal.

I have, &c.,
L. HARCOURT.

Enclosure in No. 232.

TELEGRAPH RATES PER WORD.

United Kingdom—Canada (1st Zone). (Via cables.)

Class of Telegram.	June, 1911.	January, 1913.
	<i>s. d.</i>	<i>s. d.</i>
Ordinary	1 0	1 0
Press	0 5	0 3½
Deferred ordinary	No service	0 4½
Deferred press	No service	0 2½
Cable letters:—		
Night	No service	3s. for 13 words and 2½d. a word beyond.
Week-end	No service	4s. 6d. for 25 words and 2½d. a word beyond.

United Kingdom—Australia and New Zealand.

Class of Telegram.	June, 1911.	January, 1913.
	<i>s. d.</i>	<i>s. d.</i>
Ordinary	3 0	3 0
Press	0 9	0 7½
Deferred ordinary	No service	1 6
Deferred press	No service	0 4½
Cable letters (week-end)	No service	0 9 (minimum 18s.).

United Kingdom—South African Union.

Class of Telegram.	June, 1911.	January, 1913.
	<i>s. d.</i>	<i>s. d.</i>
Ordinary	2 6	2 6
Press	0 9	0 3½*
Deferred ordinary	No service	1 3
Cable letters (week-end)	No service	0 6 (minimum 15s.).

* Cape Town and Durban. Other places 3½d.

United Kingdom—India.

Class of Telegram.	June, 1911.	January, 1913.
	<i>s. d.</i>	<i>s. d.</i>
Ordinary	2 0	2 0
Press	0 9	0 4
Deferred ordinary	No service	1 0

4496

No. 233.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 71.)

MY LORD,

Downing Street, 14th February, 1913.
WITH reference to my despatch, No. 10, of the 3rd January,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of correspondence† with the Governor-General of the Commonwealth of Australia, as noted in the margin, relative to the question of the proposed holding of a Conference to consider the advisability of the construction of a State-owned Atlantic cable.

I have, &c.,
L. HARCOURT.

4496

No. 234.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 83.)

MY LORD,

Downing Street, 26th February, 1913.
WITH reference to my despatch, No. 9, of the 3rd January,* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of correspondence† with the Governor-General of the Commonwealth of Australia, as noted in the margin, relative to the question of the proposed holding of a Conference to consider the advisability of the construction of a State-owned Atlantic cable.

I have, &c.,
L. HARCOURT.

6536

No. 235.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 28 February, 1913.
WITH reference to my despatch, No. 105, of the 7th of February,‡ I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying statements of the cable traffic between this country and Australasia in January, 1911, 1912, and 1913. The particulars of the Eastern Company's traffic have been given confidentially and may not be published.

2. It will be seen that the amount of the general traffic is in round figures as follows:—

	Ordinary.	Deferred.	Cable Letters.	Total.
	Words.	Words.	Words.	Words.
January, 1911 ...	217,000	—	—	217,000
January, 1912 ...	214,800	18,800	—	233,600
January, 1913 ...	205,100	42,600	27,300	275,000

3. The Postmaster-General calls particular attention to the fact that in January, 1913, nearly 70,000 words were sent by the new services at reduced rates.

* 41519: not printed.

† Nos. 228 and 232.

‡ No. 232.

being more than a quarter of the total traffic for that month. The deferred traffic, it will be seen, increased by 125 per cent. in the twelve months; and the cable letter traffic, during the initial month of this unfamiliar type of service, reached a comparatively large volume. These facts, the Postmaster-General considers, prove beyond doubt that the reductions of rates constitute a very real benefit to the public.

4. The figures for the Press traffic are:—

	Ordinary.	Deferred.	Total.
January, 1911	Words. 32,000	Words. —	Words. 32,000
January, 1912	35,000	4,000	39,000
January, 1913	54,000	9,000	63,000

5. The volume of Press traffic depends largely on circumstances unconnected with the amount of the cable rates, and it is not, therefore, to be supposed that the large increase which the traffic for January, 1913, shows over that for January, 1912, is due entirely, or even mainly, to the reduction of the rate by one-sixth. It will be observed, however, that in January, 1913, the deferred Press traffic *via* Pacific (the only route which admits this traffic), while not in itself large, was some 50 per cent. greater than the ordinary Press traffic by that route, and had increased by 125 per cent. as compared with January, 1912.

I have, &c.,
L. HARCOURT.

Enclosure in No. 235.

UNITED KINGDOM-AUSTRALASIAN TRAFFIC (*Via* EASTERN).

Words forwarded and received January 1911, 1912, and 1913.

	Ordinary.	Government.	Press.	Deferred.	Week-end Letters.	Totals.
January, 1911	151,690	2,436	19,803	—	—	173,931
January, 1912	147,688	2,417	16,824	5,941	—	172,870
January, 1913	137,715	2,172	47,689	14,117	11,415	213,108

TOTAL UNITED KINGDOM-AUSTRALASIAN TRAFFIC (*Via* PACIFIC).

(Words only.)

Forwarded and Received January 1911, 1912, and 1913.

Date.	Ordinary.	Government.	Press.	Deferred.			Totals.
				Ordinary.	Press.	Week-end Lettergrams.	
January, 1911	65,505½	12,488	12,472	—	—	—	90,465½
January, 1912	67,141½	14,225	18,845*	12,945	4,088	—	117,244½
January, 1913	172,157	16,456	6,530	20,902	9,571	15,880	150,496
Totals	204,804½	43,169	37,847	42,847	13,659	15,880	358,206½
European Traffic, August, 1912.	14,703	—	—	1,365	—	—	6,068

* Cricket Test Matches in Australia.

† The Weekly Traffic Service includes United Kingdom and Europe combined. As a criterion, August, 1912 (the last complete monthly statistics), European figures, are shown.

4496

No. 236.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 170.)
(Newfoundland. No. 56.)

SIR,

Downing Street, 4th March, 1913.

With reference to my despatch, No. [10] [6], of the 3rd January,* I have the honour to transmit to [Your Royal Highness] [you], for the information of your

Governor-General, No. 142, 11th July, 1912.
To Governor-General, No. 103, 7th February, 1913.

Ministers, copies of correspondence† with the Governor-General of the Commonwealth of Australia, as noted in the

margin, relative to the question of the proposed holding of a Conference to consider the advisability of the construction of a State-owned Atlantic cable.

I have, &c.,
L. HARCOURT.

6536

No. 237.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Union of South Africa.)
(New Zealand.)

(Confidential.)

[SIR,

Downing Street, 13 March, 1913.

[MY LORD,

With reference to my despatch, No. [71, of the 14th of February,] [83, of the 26th of February†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch§ to the Governor-General of the Commonwealth of Australia, furnishing particulars of the cable traffic between this country and Australasia in January, 1911, 1912, and 1913.

I have, &c.,
L. HARCOURT.

6536

No. 238.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada.)
(Newfoundland.)

(Confidential.)

SIR,

Downing Street, 26 March, 1913.

With reference to my despatch, No. [170, of the 4th of March] [56, of the 4th of March], I have the honour to transmit to [Your Royal Highness] [you], for the information of your Ministers, a copy of a despatch§ to the Governor-General of the Commonwealth of Australia furnishing particulars of the cable traffic between this country and Australasia in January, 1911, 1912, and 1913.

I have, &c.,
L. HARCOURT.

* 41519: not printed.
§ No. 235.

† Nos. 228 and 232.

‡ No. [233], [234].
§ No. 236.

32557

No. 239.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 725.)
(New Zealand. No. 363.)[SIR,
MY LORD.]

Downing Street, 20 September, 1913.

WITH reference to my despatch No. [575] [291] of the 1st August,* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a memorandum prepared by the Postmaster-General's Department of the Commonwealth of Australia, on the subject of the terminal rates charged on Pacific cable traffic in the Commonwealth.

2. I should be glad to be favoured with an expression of the views of your Ministers on the subject in the light of this memorandum.

I have, &c.,
L. HARCOURT.

Enclosure in No. 239.

MEMORANDUM TO THE SECRETARY, DEPARTMENT OF EXTERNAL AFFAIRS,
MELBOURNE.

Postmaster-General's Department, Melbourne, 1st July, 1913.

991/13. *Australian Terminal Rates—Inequality of Terminal Rates charged on Pacific Cable Traffic in Australia and New Zealand respectively.*

With reference to the attached papers, containing a memorandum from the High Commissioner's Office, dated London, 20th December, 1913, No. 76/11, 8398, which you referred to this office on the 21st January last, number and subject as above, I am directed by the Postmaster-General to inform you that Sir Henry Primrose's letter has been given consideration, and that at the time the laying of the Pacific Cable was decided upon, the charges in Australia on cable traffic were as high as 11d. per word; 7d. per word being payable to South Australia in connection with the erection and maintenance of the overland line to Darwin, and the balance payable to other States transited by the cable business, and varying according to the State of origin or destination, the States being at that time separate entities. Almost concurrently, however, with the opening of the Pacific Cable, Australia entered the International Telegraph Union as one Administration. Under this convention each Administration has the right to decide what its rates shall be for terminal and transit services, the only restriction being that all parties making use of those services must be charged the same rate. And it, therefore, followed that, as the Commonwealth had entered the International Union as one Administration, one rate had to be fixed in lieu of the varying ones which had been in existence while the States were separate Administrations, and that the Pacific Cable Board and the Eastern Extension Company had to be placed on precisely the same footing as regards our transit and terminal rate. In fixing that rate two considerations had to be kept in view, viz., the interest of the Pacific Cable, in which Australia was a partner, and the fact that for business *via* the "Eastern" route not only had an expensive line from Port Darwin to Adelaide to be maintained, but also that under agreements entered into by the State Governments with the Eastern Extension Company special lines had to be provided, as, for example, the one between Adelaide and Sydney for that Company's traffic. In view of the long and expensive lines which the Commonwealth was thus compelled to maintain for purely cable purposes, and considering the length

* 25358: not printed.

of its ordinary lines throughout the Commonwealth, Australia would have been not only within its rights, but would have been justified, in fixing as its transit and terminal rate the maximum charge of 11d. then in force, but with a view of assisting the Pacific Cable by giving the Pacific Cable Board as large a proportion as possible of the 3s. a word which it had been decided to charge the public on messages to and from the United Kingdom, the Commonwealth agreed to fix its rate at 5d., thus sacrificing a considerable amount of revenue, estimated at that time at over £12,000 a year, a fact which appears to be lost sight of whenever the Commonwealth transit and terminal rate is criticised.

2. The fact that the Commonwealth has fixed its rate for its inland business at a figure which is notoriously below the cost of rendering the service is no argument in favour of dealing similarly with cable traffic. Apart from this, cable business is given precedence over ordinary business—even over "urgent" business, for which double the ordinary rate is charged—and is composed of code words, for which also a special charge is levied, so that, even comparing the cable business with Commonwealth inland telegrams, and basing the charges on the same principle, a cable message should pay something in excess of 4d. a word. Thus ordinary inland messages are charged roughly 1d. per word, and an urgent message, which takes precedence of ordinary business, is charged double, or roughly 2d. a word. On the same principle a cable message which takes precedence of urgent business should be charged 4d. a word. When it is considered, however, that the rate charged the Pacific Cable Board must be the same as that charged to the Eastern Extension Company, and, as already stated, the Commonwealth has erected and maintained expensive lines for the Eastern Extension traffic, it will be seen that its rate of 5d. a word is not excessive particularly when the area of Australia and the length of line over which telegraph business is transmitted therein are taken into consideration.

3. There can, of course, be no reasonable comparison between Australia and New Zealand. The former has an area of 2,974,581 square miles, and approximately 45,000 miles of telegraph lines, whereas New Zealand has an area of 104,751 square miles, and approximately 12,000 miles of telegraph line.

4. With regard to Sir Henry's reference to the fact that it is an anomaly that Australia should receive more from the charge of 5d. a word which she levies for her terminal and transit service than the amount which she has to pay out on her proportion of the loss on the Pacific Cable, and his suggestion for an alternative scheme by which it is said this anomaly might be rectified, I am to state that the fallacy in the argument lies in the fact that the proposer has omitted to take into account what it costs the Commonwealth to render the service for which it charges the 5d. per word, and to realise that any loss or otherwise on the cable arises from circumstances over which the Commonwealth has no control. Were Sir Henry's argument carried to its logical conclusion it would result in the Commonwealth having to render a terminal and transit service for nothing. The loss on the cable for the last three years has been as follows:—

Year ended 31st March, 1911	...	...	...	£48,210
Year ended 31st March, 1912	...	...	...	40,498
Year ended 31st March, 1913 (estimated)	...	...	...	23,000

and if, for the sake of argument, the business between New Zealand and Canada, and New Zealand and the United Kingdom, were, through some special cause, to increase to such an extent that that deficit would be wiped out, and that Australia would thus not have to make any contribution to a loss on the cable, it would then, according to Sir Henry's argument, not be entitled to make any charge for transit and terminal service, because it would not be entitled to derive from that source any amount which it was not paying out to the other partners in the cable—a position which only has to be stated in order to demonstrate its absurdity. The alternative which is suggested to get over this difficulty is hardly worth dealing with under these circumstances, but it is interesting to notice that, in making his calculations, Sir Henry has omitted to show that any amount is allocated out of the total charge of 3s. for transit across Canada. In setting out what amounts the partners received out of the 3s., Sir Henry states that Canada receives nil because she provides no service, but in the original apportionment of the 3s. a sum of 3d. was shown for transit charges across Canada, and whether that amount is received by Canada, or by some

other authority which provides the service, the position is the same in that respect as it is in Australia.

5. In view of all the circumstances the Commonwealth Government is not prepared to vary its transit and terminal rate while the present charge to the public is maintained, but should lower charges to the public be decided upon the Commonwealth will be quite agreeable to reduce its charges proportionately.

JUSTINIAN OXENHAM,
Secretary.

(RESOLUTION XVI): STATE-OWNED WIRELESS TELEGRAPH STATIONS.

23697

No. 240.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29 July, 1912.)

[Copy to General Post Office, August 1, 1912. L.F.]

[Answered by No. 241.]

(No. 94.)

Wellington, 14th June, 1912.

SIR, WITH reference to your despatch, No. 83, of the 21st March,* on the subject of the proposed Imperial scheme of wireless telegraphy, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister stating that New Zealand does not at present desire to become a party to the Imperial Agreement as it is itself erecting a long-distance station for a system other than the Marconi system, but it desires that the Agreement shall provide that in the event of New Zealand wishing to erect a station of the Marconi system within the next ten years no higher charge shall be made by the Marconi Company than that made on the Imperial Government for other stations.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 240.

Prime Minister's Office, Wellington,
13th June, 1912.

MEMORANDUM for His Excellency the Governor.

The Prime Minister presents his compliments to His Excellency and begs to refer to Government House Record 292/12 on the subject of the Imperial scheme of wireless telegraphy.

New Zealand does not at present desire to become a party to the Imperial Agreement, as it is itself erecting a long-distance station for a system other than the Marconi, but it desires that the Agreement shall provide that in the event of New Zealand wishing to erect a station of the Marconi system within the next ten years no higher charge shall be made by the Marconi Company than that made on the Imperial Government for other stations.

The Prime Minister would be glad if His Excellency would so inform the Colonial Office.

H. G. ELL,
For Prime Minister.

23697

No. 241.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to General Post Office, August 1, 1912. L.F.]

(No. 225.)

MY LORD,

Downing Street, 1 August, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 94, of the 14th June,† reporting that New Zealand does not at present desire to become a party to the Agreement between His Majesty's Postmaster-General and the Marconi Company, Limited, for the erection of long-distance wireless telegraph installations.

* No. 194 in Dominions No. 39.

† No. 240.

2. The Agreement had been signed before the receipt of your despatch. I now enclose, for the information of your Ministers, copies of Parliamentary Papers* containing the Agreement and the draft specification submitted by the Company. I shall be glad if you will invite your Ministers' attention to the provision made in Clause 28 of the Agreement.

I have, &c.,
L. HARCOURT.

24162

No. 242.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 548.)
(Union of South Africa. No. 383.)
(Newfoundland. No. 165.)

[SIR] [MY LORD],
Downing Street, 9 August, 1912.
WITH reference to my despatch No. [285] [320] [80] of the [20th April†] [4th July†] [20th April†] last, I have the honour to transmit to [Your Royal Highness] [you], for the information of your Ministers, the accompanying copies of papers§ laid before Parliament containing the Agreement between the Marconi Wireless Telegraph Company and the Postmaster-General with regard to the establishment of a chain of Imperial wireless stations and the draft specification submitted by the Company, and correspondence on the subject.

I have, &c.,
L. HARCOURT.

24162

No. 243.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 339.)

MY LORD,
Downing Street, 9 August, 1912.
WITH reference to my despatch, No. 134, of 26th March last, I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of papers§ laid before Parliament containing the Agreement between the Marconi Wireless Telegraph Company and the Postmaster-General with regard to the establishment of a chain of Imperial wireless stations, and the draft specification submitted by the Company, and correspondence on the subject.

2. I shall be glad to receive from your Government as soon as possible a report giving details of the wireless telegraph installations now established or contemplated in the Commonwealth.

I have, &c.,
L. HARCOURT.

* [Cd. 6318]. † No. 197 in Dominions No. 39. ‡ 20199: not printed.
§ [H. C. 265], [Cd. 6318], [Cd. 6357]. | No. 195 in Dominions No. 39.

(RESOLUTIONS XVII. AND XVIII.): UNIVERSAL PENNY POSTAGE;
IMPERIAL POSTAL ORDER SCHEME.

3547

No. 244.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 31 January, 1913.)

[Answered by No. 247.]

SIR,
General Post Office, London, 30th January, 1913.
THE Postmaster-General learned with much regret, from your letter of the 11th of June last, No. 17006/1912,* that the Government of Australia is still unable to see its way to adopt the Imperial Postal Order Scheme. He understands from the enclosure to your letter that the reasons for this decision are: (1) that there is no evidence of any demand for Imperial postal orders on the part of the public in Australia; (2) that a great deal of extra work would be involved by the introduction of the scheme; and (3) that the Commonwealth Post Office would suffer considerable disadvantages as regards revenue. The Postmaster-General is reluctant to abandon the prospect of the inclusion of Australia in a measure which has proved of the greatest practical convenience in other parts of the Empire; and he directs me to offer the following observations on the objections raised by the Commonwealth Government.

In the first place, the Postmaster-General suggests that, although there may be no evidence of demand for them, facilities for the remittance of small sums of money to any part of the Empire could not fail to be welcome to the public in Australia; and he would point out that this view is supported by the experience of other British possessions abroad. The experience of New Zealand may perhaps be quoted. In its annual report for 1905 the Post Office of New Zealand expressed the opinion that during the previous year the postal order scheme had proved that it had met a public want; and the increasing favour which the order is finding in the Dominion is shown by the fact that the number sold there in 1911 was nearly double the number sold in 1908.

As regards objections (2) and (3), the Postmaster-General is of opinion that the work involved in the Imperial Postal Order Scheme would be found by the Australian Post Office to be small in amount and simple in character. The issue and payment of a postal order entails much less time and expense than the issue and payment of a money order; and in so far as Imperial postal orders displaced money orders in Australia, the amount of work falling on the Commonwealth Post Office would be correspondingly diminished. The experience of other offices, however, shows that, with suitable poundage rates, Imperial postal orders do not displace money orders to any appreciable extent, but rather that they create a new class of business which cannot be developed under a system of money orders, with its relatively high charges for small amounts.

If the poundage charged in Australia on Imperial postal orders were fixed at approximately double that levied at present on Australian postal notes there could be no risk of postal orders being used in place of money orders for large amounts, and any business which might be diverted from the money order service would be of the least remunerative kind, namely, in orders for small amounts.

It is estimated in this Office that if Imperial postal orders were introduced into Australia with such a scale of charges, the reduction of revenue which the Commonwealth Post Office would incur by diversions from the money order service between Australia and this country (in both directions) would amount to only about £600 a year, and that this loss would soon be made up by the additional business which would be attracted.

Mr. Samuel attaches much importance to the benefits which would result, both to the Commonwealth and the Empire generally, from the inclusion of Australia in the scheme; and he hopes the Secretary of State may be in a position to urge the Australian Government to reconsider the question in the light of these further observations.

I am, &c.,
A. F. KING.

* No. 203 in Dominions No. 39.

3547

No. 245.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to General Post Office, 11 February, 1913. L.F.]

[Answered by No. 246.]

(No. 96.)

MY LORD,

Downing Street, 7 February, 1913.

WITH reference to Your Excellency's despatch, No. 67, of the 23rd April last,* I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a letter† from the General Post Office on the subject of the Imperial Postal Order Scheme.

2. I share the view of the Postmaster-General as to the advantage which would accrue to the Empire generally if the Commonwealth were included in the scheme, and I trust that your Ministers will give earnest consideration to the arguments adduced in the enclosed letter.

I have, &c.,

L. HARCOURT.

39538

No. 246.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17 November, 1913.)

(No. 246.)

Governor-General's Office, Melbourne,

15th October, 1913.

SIR,

WITH reference to your despatch dated 7th February, 1913, No. 96,‡ on the subject of the Imperial Postal Order Scheme, I have the honour to inform you that I am advised by my Prime Minister that the matter has been reconsidered, but that Ministers are unable to see their way to vary the former decision.

I have, &c.,

DENMAN,

Governor-General.

39538

No. 247.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR,

Downing Street, 24 November, 1913.

WITH reference to your letter, of the 30th January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster General, a copy of a despatch§ from the Governor-General of the Commonwealth of Australia, on the subject of the adoption by the Commonwealth of Australia of the Imperial Postal Order Scheme.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

* No. 204 in Dominions No. 39.

† No. 244.

‡ No. 245.

§ No. 246.

14.

(RESOLUTION XIX): COMMERCIAL TREATIES (a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

20429

No. 248.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 2, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Vienna, dated June 26, 1912, on the subject of the withdrawal of the Colonies from the Commercial Treaty between Great Britain and Austria-Hungary.

Reference to previous letter: from Colonial Office, August 11, 1911 (23660/11.)*

Foreign Office,

July 1, 1912.

Enclosure in No. 248.

(Commercial. No. 65.)

SIR,

Vienna, June 26th, 1912.

WITH reference to your despatch, No. 48, Commercial, of October 20th, 1911, I have the honour to transmit herewith a translation of a memorandum which I have to-day received from the Austro-Hungarian Ministry for Foreign Affairs in reply to my enquiry as to whether the Austro-Hungarian Government were willing to grant to His Majesty's self-governing Dominions the right of withdrawing from the Commercial Treaty of 1876, between Great Britain and Austria-Hungary, without impairing the operation of that Treaty in respect of the rest of the Empire.

As you will observe, the Austro-Hungarian Government are prepared to give their consent to such withdrawal, on the condition that it is in every case preceded by the conclusion of a fresh Commercial Treaty between Austria-Hungary and the Colony in question.

In acknowledging the receipt of this communication, I have drawn Count Berchtold's attention to the case of Papua and Norfolk Island as explained in your despatch, No. 12, Commercial, of February 3rd last, and have enquired whether the Austro-Hungarian Government would agree to the insertion of a clause in the proposed Protocol to the effect desired by His Majesty's Government.

I have, &c.,

FAIRFAX L. CARTWRIGHT.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

&c., &c., &c.

(Translation.)

Imperial and Royal Ministry of the Imperial and Royal House and for Foreign Affairs.

MEMORANDUM.

The Imperial and Royal Government have given their most careful consideration to the question set forth in the memorandum of October 30th, 1911, respecting the withdrawal of the self-governing British Colonies (Canada, Australia, New Zealand, the Union of South Africa, and Newfoundland) from the Treaty of Commerce concluded between Austria-Hungary and Great Britain on December 5th, 1876, which has been in force since January 1st, 1877.

* No. 217 in Dominions No. 39.

The Imperial and Royal Government, appreciating the reasons put forward in the above-mentioned memorandum, are in principle prepared, in consideration of the altered circumstances, to afford to each of the above-named Colonies the possibility of withdrawing, should they desire to do so, separately and singly from the Treaty in question, without impairing in any way the operation of that Treaty as respects the rest of the British Empire. Permission for the withdrawal from the Commercial Treaty of 1876 of each one of the above-named Colonies must, however, be conditional on the previous conclusion of a new Treaty between Austria-Hungary and the Colony in question.

Vienna.

June 24th, 1912.

20550

No. 249.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 3, 1912.)

[Answered by No. 254.]

SIR,

Foreign Office, July 2, 1912.

I AM directed by Secretary Sir Edward Grey to acknowledge the receipt of your letter of the 17th ultimo,* relative to the interpretation of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911.

Sir E. Grey would propose, subject to the concurrence of the Secretary of State for the Colonies, and of the Board of Trade, who are also being consulted, to forward the enclosed memorandum to the Japanese Ambassador in reply to the latter's communication of May 11th last.

I am, &c.,

W. LANGLEY.

Enclosure in No. 249.

(Draft.)

MEMORANDUM FOR COMMUNICATION TO JAPANESE AMBASSADOR.

On the 11th May last the Japanese Ambassador informed His Majesty's Government that the Japanese Government agreed, on the whole, to the suggested interpretation to be placed on Articles 1 and 8 of the Anglo-Japanese Commercial Treaty, but desired to make certain amendments in the proposed wording.

His Majesty's Government agree to the suggestion that the wording of the interpretation of Article 1 should be altered so as to make it reciprocal in form. They are, however, of opinion that the insertion in Article 1 of the words "in any way" is superfluous and does not render the sense of the interpretation any clearer. His Majesty's Government desire, therefore, to enquire whether the Japanese Government wish to insist upon the insertion of the words "in any way," and they desire at the same time to express the hope that the proposal to have these words inserted does not indicate any change in the attitude which the Japanese Government have hitherto maintained in regard to the immigration legislation in Natal and to similar legislation in other British Colonies.

As regards Article 8, His Majesty's Government would suggest that, for the phrase "His Majesty's Dominions beyond the Seas or Colonies" the following phrase should be substituted:—"Any of His Britannic Majesty's Dominions Colonies Possessions or Protectorates beyond the Seas to which the Treaty has been or may be made applicable under the provisions of Article 26."

Foreign Office,

July , 191 .

* No. 306 in Dominions No. 39.

18407

No. 250.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 455.)

(Union of South Africa. No. 319.)

(Australia. No. 280.)

(Newfoundland. No. 133.)

(New Zealand. No. 194.)

[SIR.] [MY LORD.]

Downing Street, 4 July, 1914.

WITH reference to paragraph 3 of my despatch, No. [885 A] [477 A] [373 A] [388 A] [249 A], of the 1st of November, 1911,* I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that His Majesty's Government have given further consideration to the question of the application of the 19th Resolution of the Imperial Conference to the Treaties with Peru and Costa Rica, and they have decided that, as the Peruvian Treaty imposes no obligation on the self-governing Dominions to grant any special tariff privileges, that Treaty cannot be held to fall within the scope of the resolution of the Conference.

2. Article 4, however, of the Costa Rica Treaty, although it does not actually provide for most-favoured-nation treatment in respect of Costa Rican goods imported into the British dominions, appears to impose on those dominions obligations of the kind against which the resolution was directed, and steps are accordingly being taken to approach the Costa Rican Government with a view to obtaining for His Majesty's Government the right to terminate the Treaty in respect of the self-governing Dominions.

I have, &c.,

L. HARCOURT.

18407

No. 251.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 258.]

SIR,

Downing Street, 4 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th of June,† on the subject of the Costa Rican and Peruvian Treaties.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that Mr. Harcourt concurs in the view that, as the Peruvian Treaty imposes no obligations on the Dominions to grant Peru any special tariff privileges, this Treaty cannot be considered as coming within the scope of the Resolution of the Imperial Conference respecting the withdrawal of the self-governing Dominions from commercial treaties.

3. I am to add that Mr. Harcourt also concurs in the proposal that the Costa Rican Government should be approached with a view to obtaining for the self-governing Dominions the power of withdrawal from the Treaty of 1849, and I am accordingly to enclose copies of despatches‡ which have been addressed to the self-governing Dominions, in continuation of Mr. Harcourt's despatch of the 1st of November last,* a copy of which was enclosed in the letter from this Office of the same date,§ explaining the views of His Majesty's Government as regards the Treaties with Peru and Costa Rica.

I am, &c.,

H. W. JUST.

18409

No. 252.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 4 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th June,|| on the subject of the treaties of commerce and navigation which are applicable to Canada.

* No. 223 in Dominions No. 39.

† No. 224 in Dominions No. 39.

‡ No. 304 in Dominions No. 39.

§ No. 250.

|| No. 305 in Dominions No. 39.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that Mr. Harcourt considers that it is not necessary to communicate to the Canadian Government the list of unilateral treaties which secure benefits to Canadians as British subjects without imposing corresponding obligations on Canada.

3. Mr. Harcourt will be glad to receive two further copies of the list of treaties imposing obligations on Canada which was enclosed in your letter, as one copy is required for record in this Office and the Governor-General will require at least two copies of the list.

4. In communicating the list to Canada, Mr. Harcourt will explain as to the position of the negotiations for relieving Canada from obligations under the various commercial treaties binding upon the Dominion, and also as to the Anglo-French Treaty of 1826 and the treaty regarding Tunis.

5. At the same time Mr. Harcourt will inform the Governor-General that steps will be taken to open negotiations with Costa Rica to obtain power for the Dominion to withdraw from the treaty of 1850. In this connection I am to refer to the letter from this Office, No. 18407,* of even date.

I am, &c.,
H. W. JUST.

20844

No. 253.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir,

Downing Street, 9 July, 1912.

I AM directed by Mr. Secretary Harcourt to request that you will inform Secretary Sir E. Grey that he has had under his consideration the record of Sir E. Grey's conversation with the Japanese Ambassador on the 3rd of July,† in which His Excellency enquired whether the Canadian Government were prepared to adhere to the Commercial Treaty between Great Britain and Japan.

2. In reply, I am to request that you will inform Secretary Sir E. Grey that Mr. Harcourt will mention the matter to Mr. Borden at an early opportunity, and that he will be glad if Sir E. Grey will discuss the question with Mr. Borden in due course.

3. Sir E. Grey will, no doubt, remember that the reasons why the Canadian Government were not prepared to accept the Treaty are given in a despatch from Lord Grey of the 29th of May, 1911,‡ a copy of which accompanied the letter from this Office of the 14th June, 1911.§ Mr. Fielding then thought that no difficulty would arise in connection with immigration, but I am to invite reference to the correspondence, terminating with the letter from this Office of even date,|| relating to the interpretation now placed by the Japanese Government on the first article of the Convention in its relation to the entry of Japanese subjects into His Majesty's Dominions. In any case stress will, no doubt, be laid by the Government of the Dominion on the necessity of maintaining the informal arrangement of 1908 under which Japanese immigration into the Dominion is limited.

4. As Sir E. Grey is, no doubt, aware, the Canadian Government considered that the terms of the similar provision in the Treaty of 1894 were not compatible with the imposition of a language test upon immigrants from Japan, and for that reason found it necessary to resort to the conclusion of a special agreement with the Japanese Government.

I am, &c.,
H. W. JUST.

20550

No. 254.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 256.]

Sir,

Downing Street, 9 July, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 2nd of July,* on the subject of the interpretation of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911.

* No. 251. † See 20844: not printed. ‡ 18440: not printed. § No. 320 in Dominions No. 39.
|| No. 254. ¶ No. 249.

2. In reply, I am to request that you will inform Secretary Sir E. Grey that, subject to the alteration in the second paragraph as shown in the enclosed re-draft, Mr. Harcourt concurs in the terms of the draft memorandum which it is proposed to communicate to the Japanese Ambassador in reply to His Excellency's communication of the 11th of May last.

I am, &c.,
H. W. JUST.

Enclosure in No. 254.

PROPOSED RE-DRAFT OF PARAGRAPH 2 OF MEMORANDUM.

His Majesty's Government agree to the suggestion that the wording of the interpretation of Article 1 should be altered so as to make it reciprocal in form. They are, however, of opinion that the insertion in the interpretation of Article 1 of the words "in any way" does not render the sense of the interpretation any clearer. They desire, therefore, to enquire what would, in the opinion of the Japanese Government, be the effect of the insertion of those words.

[It is proposed to omit the whole of the rest of the paragraph.]

20429

No. 255.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office and Board of Trade, July 11, 1912. L.F.]

(Canada. No. 465.)

(Union of South Africa. No. 332.)

(Australia. No. 290.)

(Newfoundland. No. 137.)

(New Zealand. No. 203.)

Sir,

Downing Street, 10 July, 1912.

MY LORD,

WITH reference to my despatch, No. [885 A] [477 A] [373 A] [588 A] [249 A], of the 1st of November last,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], to be laid before your Ministers, the accompanying copy of a despatch† from His Majesty's Ambassador at Vienna, forwarding a memorandum from the Austro-Hungarian Ministry for Foreign Affairs on the subject of the withdrawal of the self-governing Dominions from the Commercial Treaty of 1876.

2. Should your Ministers desire that the Treaty should cease to be applicable to the [Dominion of Canada] [Commonwealth of Australia] [Dominion of New Zealand] [Union of South Africa] [Colony of Newfoundland], they will no doubt nominate a representative or representatives who, in conjunction with His Majesty's Secretary of State for Foreign Affairs or His Majesty's Ambassador at Vienna, will negotiate a new Treaty with Austria-Hungary.

I have, &c.,
L. HARCOURT.

22512

No. 256.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 18, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a memorandum communicated to the Japanese Ambassador, dated July 17th, on the subject of the interpretation of Articles 1 and 8 of Anglo-Japanese Commercial Treaty.

Reference to previous letter: Colonial Office, 20550/1912, of July 9.‡

Foreign Office,

July 18th, 1912.

* No. 223 in Dominions No. 39.

† Enclosure in No. 248.

‡ No. 254.

Enclosure in No. 256.

MEMORANDUM COMMUNICATED TO JAPANESE AMBASSADOR.

On May 11th last the Japanese Ambassador informed His Majesty's Government that the Japanese Government agreed, on the whole, to the suggested interpretation to be placed on Articles 1 and 8 of the Anglo-Japanese Commercial Treaty, but desired to make certain amendments in the proposed wording.

His Majesty's Government agree to the suggestion that the wording of the interpretation of Article 1 should be altered so as to make it reciprocal in form. They are, however, of opinion that the insertion in the interpretation of Article 1 of the words "in any way" does not render the sense of the interpretation any clearer. They desire, therefore, to enquire what would, in the opinion of the Japanese Government, be the effect of the insertion of those words.

As regards Article 8, His Majesty's Government would suggest that for the phrase "His Majesty's Dominions beyond the Seas or Colonies" the following phrase should be substituted: "Any of His Britannic Majesty's Dominions, Colonies, Possessions, or Protectorates beyond the seas to which the Treaty has been or may be made applicable under the provisions of Article 26."

Foreign Office,
July 17, 1912.

22511

No. 257.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 18, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at Caracas, dated June 15th, 1912, on the subject of the proposed Commercial Treaty with Venezuela.

Reference to previous letter: Colonial Office, April 3rd (5651/1912).*

Foreign Office,
July 18th, 1912.

Enclosure in No. 257.

(No. 33.)

SIR, Caracas, June 15th, 1912.

I HAVE the honour to enclose copy of a note I addressed to-day to the Venezuelan Government, in accordance with the instructions in your despatch, No. 6, of April 17th last, on the subject of negotiating a new Commercial Treaty.

I delayed making this communication for some four weeks, until Congress had satisfactorily disposed of the Parcel Post Convention, and the appropriation for the Puerto Cabello and Valencia Railway Company's claim.

I have, &c.,
F. D. HARFORD.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

MONSIEUR LE MINISTRE,

British Legation, Caracas, June 15th, 1912.

I DULY communicated to my Government the note, No. 47, of January 10th, which General Matos addressed to me in reply to my note of November 24th, 1911, inquiring whether the Government of Venezuela were prepared to sign a Protocol reserving to certain of His Britannic Majesty's Dominions liberty to withdraw from the Treaty of April 18th, 1825.

In this note His Excellency informed me that, if His Majesty's Government were willing, the Government of Venezuela on their side would be disposed to enter upon negotiations with a view to concluding a new Treaty.

* No. 275 in Dominions No. 39.

I did not fail to communicate this note to my Government, and I am now instructed by His Majesty's Principal Secretary of State for Foreign Affairs to inform the Government of the Republic that if the surtax of 30 per cent., which His Majesty's Government regard as a violation of the Treaty of 1825, is removed, His Majesty's Government will be prepared to enter on the discussion of a new Commercial Treaty to take the place of the Treaty of 1825.

I avail myself of this opportunity to renew to you the assurance of my high consideration.

F. D. HARFORD.

His Honour
Doctor J. L. Andara,
&c., &c., &c.

22527

No. 258.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received July 19, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister at Panama, dated July 18, 1912, on the subject of the withdrawal of Colonies from Anglo-Costa Rican Commercial Treaty.

Reference to previous letter: From Colonial Office, July 4, 1912.*

Foreign Office,
July 18, 1912.

Enclosure in No. 258.

(No. 4. Commercial.)

SIR, Foreign Office, July 18th, 1912.

WITH reference to your despatch, No. 67, Commercial, of the 15th of November last, relative to the proposed modification of the Treaty concluded between Great Britain and Costa Rica on November 27th, 1849, I request that you will now approach the Costa Rican Government in the sense of my despatch, No. 9, of this series of the 20th October last.

I am, &c.,
E. GREY.

Sir C. Mallet, C.M.G.,
&c., &c., &c.

21571

No. 259.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 23 July, 1912. L.F.]

(No. 487.)

SIR, Downing Street, 18 July, 1912.

WITH reference to my despatch, No. 441, of the 29th of June,† I have the honour to transmit to Your Royal Highness the accompanying copies of a list‡ prepared in the Foreign Office showing those Treaties of Commerce and Navigation between the United Kingdom and foreign countries in force on the 1st of June, 1912, which apply to Canada.

2. In addition to the information contained in this list I shall be glad if you will explain to your Ministers that His Majesty's Government are advised that the first two of the Additional Articles of the Anglo-French Commercial Treaty of 1826 cannot

* No. 251.

† Interim reply to No. 253 in Dominions No. 39.

‡ Enclosure (not printed) in No. 305 in Dominions No. 39.

be held to be applicable to Canada, and in the Protocol which has just been exchanged with the French Government securing the right of the self-governing Dominions to withdraw from the Additional Articles of that Treaty in accordance with the 19th Resolution of the Imperial Conference, a clause has been included expressly stating that the Articles in question are not now binding upon the Dominion. A copy of the Protocol* is enclosed herewith.

3. In the case of Tunis His Majesty's Government are advised that the Anglo-French Treaty of 1897 is not generally applicable to Canada, but there appears to be nothing to prevent Canadian British subjects being entitled to the privileges granted by Article II of that Treaty in respect of cotton goods. I may add in this connexion that, as your Ministers are no doubt aware, no Declaration has as yet been exchanged as regards Tunis, as provided in Article 17 of the Convention of 1907 regarding trade between France and Canada.

4. Your Ministers will have learned from my despatch No. 455, of the 4th July,† that steps are being taken to approach the Costa Rica Government with a view of obtaining for His Majesty's Government the right to terminate the Treaty with Costa Rica with respect to the self-governing Dominions, and from my despatch, No. 422, of the 21st June,‡ that a Declaration has been exchanged with Denmark empowering His Majesty's Government to terminate the Treaties of 1660-1661 and 1670 in respect of any of the self-governing Dominions. I hope shortly to be in a position to forward to you a copy of the new Treaty which has been negotiated with Bolivia and which has now been ratified by His Majesty's Government. This Treaty supersedes the Treaty of September 29th, 1840, and it contains the usual clause providing for separate accession by His Majesty's Government in respect of the self-governing Dominions and conferring the right of separate withdrawal in respect of them. Negotiations with other Powers with a view to enable His Majesty's Government to withdraw in respect of the self-governing Dominions are still in progress.

I have, &c.,
L. HARCOURT.

21668

No. 260.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Australia. No. 306.)
(New Zealand. No. 214.)

(Union of South Africa. No. 342.)
(Newfoundland. No. 146.)

[My Lord,] [Sir,]

Downing Street, 19 July, 1912.

With reference to my despatch [477 A] [373 A] [588 A] [249 A] of the 1st November last,§ I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, two copies of the Protocol signed at Paris on the 6th instant, securing to His Majesty the right to terminate the Additional Articles of the Anglo-French Treaty of 1826 in respect of the self-governing Dominions other than Canada, and stating the position of Canada in regard to those Articles.

I have, &c.,
L. HARCOURT.

Enclosure in No. 260.

PROTOCOL.

Whereas it is desirable to make further provision respecting the application of the Additional Articles of the Anglo-French Convention of Commerce and Navigation of 1826 to certain parts of the Dominions of His Britannic Majesty, viz.: the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, the Government of His Britannic Majesty and the Government of the French Republic hereby agree that His Majesty shall be entitled at any time to terminate the said Additional Articles in respect of any or all of the said Dominions, on giving twelve months notice to that effect, during which period

* Enclosure in No. 260.

† No. 250.

‡ No. 308 in Dominions No. 33.

§ No. 223 in Dominions No. 33.

of twelve months the commercial relations between the Republic of France and the Dominion or Dominions in respect of which notice is given shall continue to be regulated by the said Additional Articles.

It is further agreed that, should the said Articles cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island if so desired by the Government of His Britannic Majesty.

It is further agreed that the said Additional Articles are not and shall not be regarded as applicable to the Dominion of Canada.

Done, in duplicate, at Paris, on the 6th of July, 1912.

23972

No. 261.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 31 July, 1912.)

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister at Buenos Aires, No. 46, Commercial, July 26: Commercial Treaty with Argentina, and question of termination by His Majesty's Colonies.

Reference to previous letter: From Colonial Office, June 12 (15865/1912).*

Foreign Office,
July 30, 1912.

Enclosure in No. 261.

(No. 46. Commercial.)

Sir,

Foreign Office, 26th July, 1912.

With reference to your despatch, No. 59, Commercial, of the 25th March, relative to the termination of the Anglo-Argentine Commercial Treaty of 1825 in respect of the self-governing Dominions, I request that you will inform the Argentine Government that His Majesty's Government welcome the proposal that negotiations should be instituted between the two Governments for the conclusion of a new Commercial Treaty in the place of that already existing. With this object in view you should communicate to the Argentine Government the draft Commercial Treaty herewith enclosed, and enquire of them whether they would be prepared to sign a Treaty on the lines therein indicated.

If the Argentine Government appear willing to accept the draft Convention in principle, you should propose that, since a considerable period needs must elapse before the definite conclusion and ratification of the new Convention, it would be advisable for the two Governments to agree upon a provisional arrangement enabling His Majesty's Government if necessary to terminate in the meantime the existing Treaty in respect of any of the self-governing Dominions.

If, while agreeing to this course, the Argentine Government demur to the text of the draft Protocol to this effect which you have already submitted to them, you are authorised to submit to them an alternate draft, copy of which is herewith enclosed. This further draft is based on the protocol already concluded with the Danish Government and with those about to be concluded with the French and Swiss Governments. You will observe that it gives to both parties, instead of to His Majesty's Government alone, the power of terminating the Treaty in respect of the self-governing Dominions, and also omits all provision for the continuance of most-favoured-nation treatment between a Dominion no longer bound by the Treaty and the other contracting Power. You may, if you think it desirable, insert in either of the draft protocols a preamble reciting the fact that negotiations for a new Treaty are in contemplation, and that the proposed arrangement is made pending the conclusion of a new Treaty. You may also perhaps consider it advisable to inform the Argentine Government that the Governments of Greece, Egypt, Liberia, Paraguay, Sweden, and Denmark have already signed similar protocols, and that it is expected that the French and Swiss Governments will do likewise shortly.

* No. 302 in Dominions No. 33.

You should in any representations that you may make to the Argentine Government on this subject, avoid the use of the expression "withdrawal" of the self-governing Dominions from the Treaty, and refer to the "termination" of the Treaty with respect to them.

Sir R. Tower, K.C.M.G., C.V.O.,
&c. &c. &c.

I am, &c.,
E. GREY.

DECLARATION between the Governments of GREAT BRITAIN and ARGENTINA relating to the Amendment of the Treaty of Commerce of the 2nd February, 1825.

Whereas the commercial relations between the British Empire and the Republic of Argentina are regulated by the Treaty of February 2nd, 1825, and whereas it is desirable to make further provision with regard to the application of the said Treaty to certain parts of His Britannic Majesty's dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the Government of His Britannic Majesty and the Government of the Republic of Argentina hereby agree that either of the Contracting Parties shall have the right to terminate the said Treaty with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said Treaty cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the Contracting Parties.

In witness whereof the undersigned have signed the present Declaration in duplicate and have affixed thereto their seals.

Done at

24238

No. 262.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 527.)

(Australia. No. 326.)

(New Zealand. No. 228.)

(Union of South Africa. No. 373.)

(Newfoundland. No. 160.)

[Sir] [My Lord].

Downing Street, 2nd August, 1912.

With reference to my despatch, No. [885 A] [477 A] [373 A] [583 A] [249 A], of the 1st November, 1911,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of the Treaty of Commerce† between the United Kingdom and the Republic of Bolivia, the ratifications of which were exchanged at London on the 5th July.

2. This Treaty supersedes the existing Treaty between the two countries, and your Ministers will observe that under Article 15 the Treaty is not applicable to any of His Majesty's overseas Possessions unless a notice is given in respect of that Possession by His Majesty's representative in the Republic of Bolivia to the Bolivian Minister of Foreign Affairs within one year from the 5th July, the date of the exchange of the ratifications of the Treaty.

3. I shall be glad to learn, in due course, whether your Ministers desire that the Treaty should be made applicable in respect of [Canada] [the Commonwealth of Australia] [New Zealand] [Union of South Africa] [Newfoundland].

I have, &c.,

L. HARCOURT.

8286

No. 263.

COLONIAL OFFICE to FOREIGN OFFICE.

[See No. 261.]

Sir,

Downing Street, 7 August, 1912.

I AM directed by Mr. Secretary Harcourt to refer to the letter from this Department of the 9th April,‡ regarding the refusal of the Japanese Patent Bureau

* No. 223 in Dominions No. 39.

‡ No. 277 in Dominions No. 39.

† [Cd. 6267] July, 1912.

to receive applications for the registration of patents and trade marks from British subjects of Canadian and Indian birth, and to enquire whether any reply has been received to the representations which it is presumed were made to the Japanese Government on the subject.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

24940

No. 264.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8 August, 1912.)

[Answered by No. 266.]

Sir,

Foreign Office, August 7, 1912.

With reference to your letter of 9th of April last,* I am directed by Secretary Sir E. Grey to transmit to you, herewith, to be laid before the Secretary of State for the Colonies, a copy of a despatch from His Majesty's Ambassador at Tokyo relative to the refusal of the Japanese Patent Bureau to register the trade marks of British subjects of Indian or Canadian origin.

In view of the indefinite nature of the reply which has been returned by the Japanese Government to Sir C. MacDonald's note of May 9th, Sir E. Grey is of opinion that it would be advisable to postpone the consideration of further action in the matter until the reply to the new applications which are being made on behalf of the Anglo-Indian Drug and Chemical Company and of the Canadian firms interested is known.

Sir E. Grey proposes, therefore, subject to the concurrence of Mr. Harcourt, merely to instruct Sir C. MacDonald to report the result of the above-mentioned applications as soon as possible.

I am, &c.,
W. LANGLEY.

Enclosure in No. 264.

(No. 177.)

Sir,

Tokyo, July 5th, 1912.

I HAVE the honour to report that on the receipt of your despatch, No. 63, of the 16th April last, relating to the refusal of the Japanese Patent Bureau to register certain trade marks belonging to British subjects who were residing in colonies which had not adhered to the Anglo-Japanese Treaty of April 3rd, 1911, and which were not parties to the International Convention for the Protection of Industrial Property, I immediately complied with the instructions contained therein and addressed a note to the Japanese Minister for Foreign Affairs, copy of which is enclosed herewith, asking for the exact grounds on which the Japanese Patent Bureau had refused the applications for registration of the trade marks above referred to.

On the 17th June I received a reply from Viscount Uchida, copy of which I have the honour to enclose. As the note seemed rather ambiguous, I instructed Mr. Crowe to make enquiries at the Foreign Office as to its exact signification. It would appear that it means that the application of the Anglo-Indian Drug and Chemical Company was never formally made, while as that of the Canadian firm was rejected, no record was kept at the Patent Bureau. The Patent Bureau, according to the Foreign Office explanation, will accept an application provided it is accompanied by a certificate that the applicant is a British subject and that no complications are caused by the insertion of statements relating to domicile or birth or residence in a colony which has not adhered to the Treaty or the International Convention. In other words, the Japanese Foreign Office say that if a man is a British subject he is entitled to have his application for registration received, but they say that they think that the Patent Bureau has perhaps been

* No. 277 in Dominions No. 39.

rather too stringent in this matter of certificates. Mr. Crowe therefore arranged with the Japanese Foreign Office that fresh applications for registration should be filed by the Anglo-Indian Drug and Chemical Company and the Canadian firms, accompanied by certificates of British nationality.

I have caused instructions to be given to Mr. W. A. de Havilland, the Patent Agent who has these cases in hand, to take the necessary action and to report to me immediately should there be any further refusal on the part of the Patent Bureau authorities. I am informed by Mr. de Havilland that in a recent case he put in a certificate, signed by His Britannic Majesty's Vice-Consul at Shanghai, stating that the applicant (Mr. F. K. McIntyre) was a subject of the King of the United Kingdom of Great Britain and Ireland. The Patent Bureau demanded proof that either the applicant or his father had been born in the United Kingdom. As this was forthcoming no difficulty arose, but it seems to me that the certificate of one of His Majesty's Consular Officers as to a question of British nationality should be sufficient for the purpose of the Japanese Patent Bureau. I have asked Mr. de Havilland to let me know immediately should a similar case occur in future.

I have, &c.,
CLAUDE M. MACDONALD.

The Right Honourable
Sir Edward Grey, Bart., K.G.,
&c., &c., &c.

(No. 48.)

MONSIEUR LE MINISTRE, British Embassy, Tokyo, May 9th, 1912.
On the 19th January last, I had the honour to address Your Excellency with regard to the refusal of the Imperial Japanese Patent Bureau to register certain trade marks belonging to the British Cigarette Company of Hongkong, and Your Excellency on the 5th February explained why these marks had been refused registration.

It has recently been brought to the notice of His Majesty's Government that the Imperial Japanese Patent Bureau have refused to receive applications to register a trade mark from the Anglo-Indian Drug and Chemical Company of Bombay and also from British subjects who are of Canadian birth, and I have been instructed to enquire of Your Excellency the exact grounds on which the Patent Bureau have refused these applications for registration.

I take, &c.,
CLAUDE M. MACDONALD.

His Excellency
Viscount Yasuya Uchida,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

(Translation.)

(No. 77.)

SIR, Foreign Office, Tokio, June 17th, 1912.
I IMMEDIATELY communicated to the Department concerned the purport of Your Excellency's note, No. 48 of the 9th ultimo, regarding the refusal to register trade marks which were the subject of applications by the Anglo-Indian Drug and Chemical Company of Bombay, India, and by British subjects of Canadian birth.

The said Department now reply to me that, although there is nothing to prove the facts of application and action taken in this matter, application would, of course, be received in the case of those not possessing Indian or Canadian nationality and possessing British nationality proper.

In this connection, should the aforesaid applicants make application appending the necessary documents to prove that they possess British nationality proper, it would be received.

I avail, &c.,
UCHIDA YASUYA, (L.S.)
Viscount, Minister for Foreign Affairs.

His Excellency
Sir Claude M. MacDonald,
&c., &c., &c.

24213

No. 265.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 552.)

SIR, Downing Street, 10 August, 1912.
WITH reference to Sir C. Fitzpatrick's despatch, No. 411, of the 16th July, 1911,* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a note addressed to the Japanese Ambassador relative to the question of the adhesion of Canada to the Commercial Treaty between Great Britain and Japan.

I have, &c.,
L. HARCOURT.

Enclosure in No. 265.

YOUR EXCELLENCY, Foreign Office, August 1, 1912.
SIR E. GREY to BARON TAKAAKI KATO.

WITH reference to your remarks during our conversation on the 19th ultimo with regard to the adhesion of Canada to the Commercial Treaty between Great Britain and Japan, I have the honour to inform you that I have now received a letter from the Prime Minister of Canada explaining the present position of the Canadian Government with regard to this question.

Mr. Borden states that the pressure of Parliamentary business has rendered it impossible hitherto for the Canadian Cabinet to give the matter adequate consideration, but that they will do so as soon as possible, and will certainly come to a decision before the termination of the present *modus vivendi*.

I have, &c.,
E. GREY.

His Excellency the
Baron Takaaki Kato,
&c., &c., &c.

24940

No. 266.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 272.]

SIR, Downing Street, 12 August, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th of August,† on the subject of the refusal of the Japanese Patent Bureau to register the trade marks of British subjects of Indian or Canadian origin.

2. In reply I am to request you to inform Secretary Sir Edward Grey that Mr. Harcourt concurs in the proposal to instruct His Majesty's Ambassador at Tokio to report as soon as possible the result of the renewed applications on behalf of the Anglo-Indian Drug and Chemical Company and of the Canadian firms interested.

3. Pending the receipt of Sir Claude Macdonald's report, Mr. Harcourt agrees that no further action is required, but he would suggest that if the applications to register are granted it would be well in view of the references in the Japanese note of 17th June to "Indian and Canadian nationality" as distinct from British nationality, to record in a note the fact that grants have been made to the British firms in question, without entering into any argument on the terms of the Japanese note.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 327 in Dominions No. 39.

† No. 264.

25753

No. 267.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received August 16, 1912.)

[Answered by No. 276.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a Note which has been received from the Swiss Chargé d'Affaires on the subject of the withdrawal of His Majesty's Dominions from the Anglo-Swiss Treaty.

The Secretary of State would be glad to be advised what answer should be returned to Monsieur Paravicini.

Foreign Office.

August 15, 1912.

Enclosure in No. 267.

Legation de Suisse, à Londres,
le 9 Août, 1912.

MONSIEUR LE SECRÉTAIRE D'ÉTAT :—

MONSIEUR Carlin s'était empressé de communiquer à mon Gouvernement le contenu de la note que Votre Excellence avait bien voulu lui adresser, le 18 Juin dernier, relativement à la revision du Traité d'établissement et de commerce suisse-britannique du 6 Septembre 1855.

Le Gouvernement Fédéral est très vivement obligé à celui de Sa Majesté Britannique du bon accueil réservé au projet de protocole qui accompagnait la note de Monsieur Carlin du 18 Mai. Il ne demanderait pas mieux que de pouvoir considérer, dès maintenant, l'accord comme parfait. Mais le dit projet de protocole, soumis aux intéressés suisses, a suscité de leur part certaines critiques dont il n'est pas possible à mon Gouvernement de ne pas tenir compte et que, sur son ordre, j'ai l'honneur de soumettre au bienveillant examen de Votre Excellence.

Dès le début négociations et sans indication des motifs le Gouvernement de Sa Majesté avait demandé que le droit de dénonciation s'étendît non seulement aux dispositions commerciales du Traité, mais aussi à celles relatives à l'établissement, aux affaires consulaires &c. Dans ces circonstances, l'arrangement provisoire prévu à l'alinéa 3 du projet de protocole devrait logiquement comprendre aussi ces matières et ne pas se borner à parler des "produits" seulement. Le Conseil Fédéral pense que le Gouvernement de Sa Majesté ne saurait avoir l'intention d'exclure les ressortissants suisses du même traitement dont jouissent, quant à l'établissement, les autres étrangers.

En outre, les intéressés suisses désireraient très vivement que le délai de dénonciation de cet arrangement provisoire fût fixé à douze mois et non pas à six mois seulement. Un délai de douze mois est usuel dans ces occasions et paraît nécessaire pour mener à bien les négociations d'un nouveau Traité surtout quand il s'agit de pays aussi lointains.

Telles sont les propositions de modifications que mon Gouvernement serait heureux de voir accepter par le Gouvernement de Sa Majesté Britannique, aux fins d'arriver à la signature du Protocole dont un nouveau projet accompagne la présente. Comparé à celui qui était joint à la note de Monsieur Carlin du 18 Mai, 1912, il contient quelques autres petits changements. Mais ceux-ci ne sont que de pure forme et ne visent qu'à une rédaction plus claire et plus précise, inspirée en partie par le protocole signé à Paris le 8 Juillet 1912.

Dans l'espoir qu'il sera possible à Votre Excellence de donner son assentiment à ce nouveau projet, je saisis l'occasion pour vous réitérer, Monsieur le Secrétaire d'Etat, les assurances de la plus haute considération avec laquelle j'ai, &c.,

C. R. PARAVICINI.

A Son Excellence

Sir Edward Grey, Bart., K.G.,

&c., &c., &c.

PROTOCOLE.

Considérant qu'il est désirable d'établir de nouvelles clauses touchant l'application du Traité suisse-britannique du 6 Septembre 1855 à certaines parties des Possessions de Sa Majesté Britannique à savoir : le Dominion du Canada, la Fédération Australienne, le Dominion de la Nouvelle-Zélande, l'Union Sud-Africaine et Terre-Neuve, le Conseil Fédéral de la Confédération Suisse et le Gouvernement de Sa Majesté Britannique conviennent que l'une et l'autre des Parties contractantes auront le droit, en tout temps et moyennant dénonciation préalable à douze mois d'échéance, de faire cesser les effets du dit Traité, soit en ce qui concerne la totalité des Possessions susmentionnées, soit pour chacune d'elles isolément.

Il est convenu, en outre, qu'au cas où, conformément aux dispositions du présent protocole, le Traité dont il s'agit cesserait d'être applicable à la Fédération Australienne, il cesserait également d'être applicable à la Papouasie et à l'île de Norfolk, si le Gouvernement de Sa Majesté Britannique devait désirer qu'il en fût ainsi.

Enfin, il est de plus entendu qu'en cas de dénonciation dudit Traité sur la base du présent protocole, la Suisse et la ou les Possessions auxquelles le Traité ne serait pas applicable, continueraient réciproquement à traiter leurs produits ainsi que leurs ressortissants, par rapport à tous les points réglés par le dit Traité, aussi-favorablement que ceux de n'importe quel Etat étranger, et ce aussi longtemps que l'une ou l'autre Partie n'aura pas déclaré, douze mois à l'avance, qu'elle entend se retirer de cet accord provisoire.

25506

No. 268.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 19 August, 1912. L.F.]

(No. 566.)

SIR,

Downing Street, 15 August, 1912.

WITH reference to my despatch, No. 552, of the 10th of August,* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a note from the Japanese Ambassador on the subject of the adhesion of Canada to the Commercial Treaty between Great Britain and Japan.

2. Your Ministers will observe the desire of the Japanese Government that the Dominion Government may see its way to come to a decision on the question at the earliest possible opportunity.

I have, &c.,

L. HARCOURT.

Enclosure in No. 268.

BARON TAKAAKI KATO to Sir E. GREY.

SIR,

Japanese Embassy, London, August 3rd, 1912.

I HAVE the honour to acknowledge the receipt of your communication, dated the 1st instant, intimating to me that you have received a letter from the Prime Minister of Canada explaining the present position of the Canadian Government with regard to the question of the adhesion of Canada to the Commercial Treaty between Japan and Great Britain.

While appreciating the circumstances mentioned in your Note, which have been causing the delay on the part of the authorities concerned to give adequate consideration to the question, I venture to repeat the earnest desire of my Government that the Canadian Government may see its way to come to a favourable decision on the matter at the earliest possible opportunity.

I have, &c.,

TAKAAKI KATO.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

&c., &c., &c.

* No. 265.

26342

No. 269.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 August, 1912.)

[Answered by No. 274A.]

Sir,

Foreign Office, August 19, 1912.

With reference to the letter from this Department of the 21st May,* respecting the proposed revision of the model draft Commercial Treaty, I am directed by Secretary Sir E. Grey to transmit to you herewith copy of further correspondence on the subject with the Board of Trade, together with copy of the model Treaty in its final form.

It will be seen that the last sentence in Article 17, respecting the appointment of Consular officers, has been omitted, and that the amendments to Article 21 and 22 suggested in your letter 15865/12 of the 12th June† have been adopted. In all other respects the Treaty as now enclosed is identical with that enclosed in the Foreign Office letter of the 21st May.

I am to ask how many copies of the model Treaty in its final form should be supplied to your office.

I am, &c.,
A. LAW.

Enclosure 1 in No. 269.

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 9th July, 1912.

Sir,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of June 25th, with its enclosures, relative to a proposed new Commercial Treaty with the Argentine Republic.

The Board concur in the terms of the despatch which Sir E. Grey proposes to address to His Majesty's Minister at Buenos Aires on this subject, except that the last two words of the draft despatch, viz., "by them," might perhaps be replaced by "with respect to them," so that the wording may follow that of the proposed Protocol in this respect. This alteration would seem to be required to meet the views of the Colonial Office as set out in their letter of June 12th to your Department.

The Board observe that whilst the draft Treaty which Sir E. Grey proposes to submit to the Argentine Government embodies the additions shown in the model draft forwarded to you from this Department on April 23rd (C. 984), the addition to Article 20 of the model draft which was suggested by the Commissioners of Customs and Excise, and concurred in by this Department, has not been incorporated.

The Board, also, do not appear to have yet been favoured with Sir E. Grey's views respecting the point raised by the Customs Department with regard to Article 17 of the model draft.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

Enclosure 2 in No. 269.

Sir,

Foreign Office, July 25th, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 9th instant, respecting the proposed new Commercial Treaty with Argentina.

The omission from Article 20 of the draft Treaty was due to an oversight which has now been rectified. The despatch to His Majesty's Minister at Buenos Aires has likewise been amended as suggested in your letter.

* No. 294 in Dominions No. 39.

† No. 302 in Dominions No. 39.

As regards the point raised by the Board of Customs in respect of Article 17 of the draft model Treaty, I am to explain that there are certain States, namely, the United States, Mexico, Cuba, and Argentina, to the Consular officers of which His Majesty's Government grant special customs facilities on the basis of reciprocity. The arrangement is as follows:—

Wherever it is brought officially to the notice of the Secretary of State that a foreign country has passed a decree giving customs facilities to Consular officers on the basis of reciprocity, the Lords Commissioners of the Treasury are notified and arrangements are made to add the State concerned to the list of those enjoying special exemptions in this country for their Consular officers.

The exemptions, so far as the United Kingdom is concerned, merely amount to the passage of the baggage and effects of Consuls-General on their first arrival in this country.

As regards the self-governing Dominions, Colonies, and India, however, the arrangement secures for all classes of Consuls in the regular salaried service of the countries named free importation of baggage and effects on their first arrival, while some of the Dominions (e.g., Canada and South Africa) accord this privilege to such Consular officers of any country.

On the other hand, His Majesty's Government have already concluded certain Treaties, notably with Japan, by which the grant of privileges to the Consuls of the respective countries is based on most-favoured-nation treatment; these countries can therefore claim, without offering anything in return, the privileges granted to other countries on the basis of reciprocity.

In these circumstances Sir E. Grey considers that Article 17 of the draft model Treaty should be amended and that the final sentence, from "They shall enjoy" down to "nation" should be omitted.

I am to enquire whether the Board of Trade concur in these views.

I am, &c.,
A. LAW.

The Secretary
to the Board of Trade.

Enclosure 3 in No. 269.

Board of Trade (Commercial Department), Gwydyr House,

Sir,

Whitehall, London, S.W., 1st August, 1912.

With reference to your letter of July 25th, I am directed by the Board of Trade to state that they concur in Sir E. Grey's proposal that Article 17 of the model draft Treaty should be amended by the omission of the last sentence.

In the event of the model draft being reprinted with the several amendments which have now been agreed upon, the Board would be glad if they could be favoured with 50 copies for office use.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

Enclosure 4 in No. 269.

DRAFT TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED KINGDOM
AND

[Articles 1-16 and 18-20 are identical with the corresponding Articles in the draft Treaty enclosed in No. 294 in Dominions No. 39.]

ARTICLE 17.

It shall be free to each of the High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent.

ARTICLE 21.

The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions, or Protectorates beyond the seas, unless notice of the desire of His Majesty's Government that the said stipulations shall apply to any such self-governing Dominion, Colony, Possession, or Protectorate shall have been given by His Britannic Majesty's Representative at _____ before the expiration of one year from the date of the exchange of the ratifications of the present Treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates shall enjoy in _____ complete and unconditional most-favoured-nation treatment, so long as such Dominion, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of _____ treatment as favourable as it gives to the produce or manufacture of any other foreign country.

ARTICLE 22.

The present Treaty shall be ratified, and the ratifications shall be exchanged at _____ as soon as possible. It shall come into force immediately upon ratification, and shall be binding during _____ years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period of _____ years, of its intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have denounced it.

As regards, however, the British self-governing Dominions, Colonies, Possessions, and Protectorates to which the stipulations of the present Treaty shall have been made applicable under Article 21, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

It is understood that the stipulations of the present and of the preceding article referring to British Dominions, Colonies, Possessions, or Protectorates apply also to the Island of Cyprus.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

26638

No. 270.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received August 24, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a telegram to His Majesty's Minister at Bogota, dated August 21, 1912, on the subject of the withdrawal of Colonies from the Anglo-Colombian Treaty.

Reference to previous letter: From Colonial Office, May 31 (15712/12).*

Foreign Office,
August 23, 1912.

Enclosure in No. 270.

DECODE of TELEGRAM from HIS MAJESTY'S MINISTER at BOGOTA, 21st August, 1912.

No. 3, Commercial. Your Commercial despatch, No. 7 (of June 7: Withdrawal of His Majesty's Self-Governing Dominions from Anglo-Colombian Commercial Treaty). Protocol signed. Will be submitted to Chambers.

* No. 298 in Dominions No. 39.

26984

No. 271.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received August 26, 1912.)

[Copy to Foreign Office, August 31, 1912. L.F.]

[Answered by No. 274.]

(No. 110.)

Wellington, 19th July, 1912.

SIR,

WITH reference to your despatch, No. 57, of the 16th February,* relative to the position of the self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883, I have the honour to inform you that my Government have given careful consideration to this question, and that, in the meantime, they have no desire to take any steps in the direction indicated in your despatch. Ministers desire me to state, however, that they would be glad to be furnished with copies of the various treaties referred to in the list No. 34243 which accompanied your despatch, No. 373A, of the 1st November last,† in order that the question of treaties may be fully considered at any time.

I have, &c.,
ISLINGTON,
Governor.

27004

No. 272.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received August 26, 1912.)

[Answered by No. 310.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to Sir C. MacDonald, Tokio, No. 141, dated August 24, 1912, on the subject of the Japanese Patent Bureau and trade marks of British subjects of Colonial or Indian origin.

Reference to previous letter: Colonial Office, August 12th, No. 24940.‡

Foreign Office,
August 26th, 1912.

Enclosure in No. 272.

(No. 141.)

SIR,

Foreign Office, August 24th, 1912.

I HAVE received Your Excellency's despatch, No. 177, of the 5th ultimo, respecting the refusal of the Japanese Patent Bureau to register certain trade marks belonging to British subjects of Indian or Canadian origin.

In view of the indefinite nature of the reply which has been returned to Your Excellency's note of May 9th by the Japanese Government, I propose to postpone the consideration of further action in the matter until the reply to the new applications which Your Excellency reports have been made on behalf of the Anglo-Indian Drug and Chemical Company and of the Canadian firms interested is known. I shall be glad, therefore, if you will report the result of these applications as soon as possible.

If the applications to register are granted, it would be well, in view of the references in the Japanese note of June 17th to "Indian and Canadian nationality," as distinct from British nationality, for Your Excellency to record in a note the fact that grants have been made to the British firms in question, without entering into any argument on the terms of the Japanese note.

I am, &c.,
E. Grey.

His Excellency

The Right Honourable

Sir C. MacDonald, G.C.M.G., G.C.V.O.,

&c., &c., &c.

* No. 255 in Dominions No. 39.

† No. 223 in Dominions No. 39.

‡ No. 266.

27873

No. 273.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received August 31, 1912.)

[Answered by No. 278.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at Mexico, dated August 12, 1912, on the subject of the withdrawal of certain Colonies from the Treaty of Friendship, Commerce, and Navigation.

Reference to previous letter: To Colonial Office, May 1.*

Foreign Office,
August 30, 1912.

Enclosure in No. 273.

(Commercial. No. 106.)

SIR,

Mexico, August 12th, 1912.

I HAVE the honour to enclose herewith, in copy and translation,† a Note which I have received from the Mexican Minister for Foreign Affairs replying to the two communications which I addressed to the Mexican Government on the 27th of February and the 13th of April, on the subject of the withdrawal of the British Colonies from the Anglo-Mexican Treaty of 1888, copies of which were enclosed in my despatches Nos. 17 and 40, respectively of the 27th of February and 13th of April.

As you will perceive from Mr. Lascourain's Note, the Mexican Government is of opinion that the Colonies of Papua, Norfolk Island, and the Transvaal and the Orange River should not withdraw from the Treaty by denunciation, but in some other way, the choice of which is left to His Majesty's Government.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable

Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

MEXICAN GOVERNMENT to Mr. STRONGE.

(Translation. No. 859.)

M. LE MINISTRE,

Mexico, August 9th, 1912.

WITH reference to the Notes from His Majesty's Legation, No. 30, of the 27th of February, and No. 60, of the 13th of April last, relative to the withdrawal from the Treaty of Friendship, Commerce, and Navigation concluded between Mexico and Great Britain on the 27th of November, 1888, of the British Colonies of Papua, Norfolk Island, the Transvaal, the Orange Free State, and Natal, I have the honour to inform Your Excellency that, with the exception of Natal, the aforesaid Colonies were not specially excluded from the Treaty, but remained included therein under the general designation of "Colonies," for which reason Article XVI. of the Treaty does not apply to them, and consequently, they cannot withdraw from the Treaty by denunciation, but must do so in some other manner, which the Government of Mexico leave to the choice of the British Government, and which they will accept on its being proposed to them.

With respect to Natal, which did adhere to the Treaty, that Colony possesses the right to withdraw from the same by denunciation, made twelve months in advance.

I have, &c.,
PEDRO LASCOURAIN.

* No. 287 in Dominions No. 39.

† Translation only printed.

26984

No. 274.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 254.)

MY LORD,

Downing Street, 30 August, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 110, of the 19th July,* reporting that your Ministers do not wish to take any action at present with respect to the Anglo-Italian Treaty of Commerce of 1883.

With reference to the latter part of your despatch, I have to state that copies of the Treaties there referred to are contained in the volume of Treaties, &c., forwarded in my predecessor's circular despatch of the 19th April, 1907.† A copy of a later edition of that volume is transmitted herewith.

I have, &c.,
L. HARCOURT.

26342

No. 274A.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 30 August, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 19th of August,‡ on the subject of the model draft Commercial Treaty.

2. In reply I am to request that you will inform Secretary Sir Edward Grey that Mr. Harcourt would be glad to receive 50 copies of the Treaty as revised.

I am, &c.,
H. W. JUST.

28118

No. 275.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 5, 1912.)

[Answered by No. 289.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from the Acting British Consul-General at Monrovia, dated August 19, 1912, on the subject of the position of Papua and Norfolk Island in relation to the Anglo-Liberian Treaty.

Reference to previous letter: From Colonial Office, January 30, 1912 (49824/1911).§

Foreign Office,
September 4, 1912.

Enclosure in No. 275.

(No. 11. Commercial.)

SIR,

Monrovia, August 19th, 1912.

WITH reference to your despatch, No. 1, Commercial, dated February 3rd, 1912, respecting the withdrawal of His Majesty's self-governing Dominions from the Commercial Treaty concluded between the United Kingdom and the Republic of Liberia, I have now the honour to state that the Government of Liberia have informed me they are quite willing for the British Colonies of Papua and Norfolk Island to be included in the arrangements entered into between His Britannic Majesty's Consul and the Liberian Secretary of State at Monrovia on the 23rd of July, 1908,

* No. 271.

† No. 12447/07: not printed.
§ No. 251 in Dominions No. 39.

‡ No. 269.

respecting the withdrawal of His Majesty's self-governing Dominions from the Commercial Treaty concluded between the United Kingdom of Great Britain and Ireland and the Republic of Liberia.

I have, &c.,
M. Y. H. PARKS,
Acting Consul-General.

His Majesty's Principal
Secretary of State
for Foreign Affairs.

25753

No. 276.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 285.]

SIR,

Downing Street, 4 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th August,* transmitting a copy of a note from the Swiss Chargé d'Affaires with an amended draft Protocol defining the conditions on which the Anglo-Swiss Treaty of 1855 may cease to be applicable to one or all of the self-governing Dominions.

2. The first amendment proposed in the third paragraph of the draft Protocol provides that, during the continuance of the arrangement recorded in the paragraph, Switzerland and any self-governing Dominion or Dominions to which the Treaty ceases to be applicable "continueraient réciproquement à traiter leur produits ainsi que leurs ressortissants, par rapport à tous les points réglés par le dit Traité, aussi favorablement que ceux de n'importe quel Etat étranger."

3. Mr. Harcourt is of the opinion that this amendment cannot be accepted by His Majesty's Government. I am to draw attention to the Law Officers' opinion of the 4th of April, 1911,† the effect of which is that British subjects resident or domiciled in a Dominion are entitled, whether or not a particular treaty is applicable to that Dominion, to the benefits accorded to British subjects *eo nomine* in that treaty, unless it indicates an intention that such British subjects or any class of them should be excluded from the benefits conferred by it on British subjects at large. The Law Officers added that the question, whether in the case of any given treaty such an intention is indicated, must, of course, depend on the construction to be placed on that particular document.

4. The Anglo-Swiss Treaty of 1855 does not, as far as can be seen, indicate such an intention, and it would seem that British subjects resident or domiciled in a Dominion to which the Treaty had ceased to be applicable could, under the Law Officers' opinion, claim the benefits secured by all the Articles, except those mentioned in Articles VII., IX. and X. Article XII. is of no importance in this connection, as the Dominions have no consular service.

5. Such British subjects must accordingly be regarded as being in the position intended to be secured to them by the third paragraph of the draft Protocol as now amended, and they are in that position without reference to the continuance of the arrangement to be recorded in that paragraph. The paragraph as drafted would, however, be an admission that an express treaty stipulation is required to place them in that position, and Mr. Harcourt could not agree to such an admission, since it would then be impossible in other cases to maintain the view of the Law Officers, and a situation of much difficulty would arise.

6. In proposing the amendment under consideration the Swiss Government have been influenced by a desire to secure the position of their own subjects in the Dominions. In order to facilitate the acceptance of the principle laid down by the Law Officers, Mr. Harcourt would be prepared to agree to the insertion in the draft Protocol of a stipulation to the effect that, during the currency of the arrangement recorded in the third paragraph of the draft Protocol, Swiss subjects shall continue to enjoy most-favoured-nation treatment in any Dominion or Dominions to which the Treaty has ceased to be applicable.

* No. 267.

† No. 137 in Vol. VII. of Law Officers' Opinions.

7. He would accordingly suggest that the Swiss Government should be made acquainted with the difficulties which would arise from the recognition of any difference of international status among various classes of British subjects, and informed that, in view of these difficulties, His Majesty's Government would propose that the third paragraph of the draft Protocol should be further amended by the deletion of the words "ainsi que leur ressortissants," and by the addition of a sentence to the effect that, during the currency of the arrangement recorded in that paragraph, Swiss subjects shall continue to receive most-favoured-nation treatment as regards all the matters dealt with by the Treaty in any Dominion where the Treaty had ceased to be applicable.

8. I am to add that Mr. Harcourt sees no objection to the substitution of twelve for six months at the end of the paragraph.

9. Mr. Harcourt would be glad if the terms of the reply to the Swiss Chargé d'Affaires could be submitted to him for his approval in draft form.

I am, &c.,
H. W. JUST.

27373

No. 277.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[See Nos. 280 and 345.]

(No. 360)

MY LORD,

Downing Street, 5 September, 1912.

WITH reference to my despatches, No. 390, of the 1st September, 1911, and No. 508, of the 24th November, 1911,* I have the honour to request Your Excellency to inform your Ministers that negotiations have taken place with the Government of Mexico with a view to securing to His Majesty's Government the right to terminate the Anglo-Mexican Treaty of 1888 in respect of Papua and Norfolk Island.

The Mexican Government have expressed their willingness to accept a proposal to terminate the Treaty in respect of those places, but they are not prepared to agree to a general right to terminate.

I should be glad to learn whether your Ministers desire that His Majesty's Government should now propose to the Mexican Government the termination of the Treaty in respect of Papua and Norfolk Island.

I have, &c.,
L. HARCOURT.

27373

No. 278.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 286.]

SIR,

Downing Street, 6 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th ultimo,† forwarding a copy of a despatch from His Majesty's Minister at Mexico relative to the question of the termination of the Anglo-Mexican Treaty of 1888 in respect of certain of His Majesty's Possessions.

I am to enclose, for the information of Secretary Sir Edward Grey, a copy of a despatch‡ which has been addressed to the Governor-General of the Commonwealth of Australia as regards Papua and Norfolk Island.

As regards the Transvaal and Orange Free State Provinces of the Union of South Africa, Mr. Harcourt would suggest that the desired termination should be effected by means of an exchange of notes with the Mexican Government recording that the Treaty will cease to apply to those Provinces after twelve months.

I am, &c.,
H. W. JUST.

* Nos. 219 and 232 in Dominions No. 39.

† No. 273.

‡ No. 277.

28334

No. 279.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7 September, 1912.)

(No. 553.)

SIR, Governor-General's Office, Pretoria, 19th August, 1912.
I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 332, of the 10th July,* copy of a minute from Ministers on the subject of the withdrawal of the self-governing Dominions from the Commercial Treaty of 1876 between the British Empire and Austria-Hungary.

I have, &c.,
DE VILLIERS,
Acting Governor-General.

Enclosure in No. 279.

(Minute No. 704.)

19th August, 1912.

With reference to His Excellency the Acting Governor-General's minute of the 3rd August, 1912, No. 62/79, enclosing copy of a despatch dated 10th July, 1912, No. 332, from the Secretary of State for the Colonies, on the subject of the withdrawal of the self-governing Dominions from the Commercial Treaty of 1876 between the British Empire and Austria-Hungary, Ministers have the honour to request His Excellency to inform the Secretary of State for the Colonies that they do not desire that the Treaty should cease to be applicable to the Union of South Africa.

LOUIS BOTHA.

28486

No. 280.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received September 9, 1912.)

[Answered by No. 313.]

(No. 153.)

SIR, Governor-General's Office, Melbourne, 27th July, 1912.
REFERRING to your despatch, No. 99, dated 23rd February last,† relative to the cases of Papua and Norfolk Island in connection with the withdrawal of the self-governing Dominions from certain commercial treaties, I have the honour to inform you that, as regards Norfolk Island, the question is of no practical importance.

With respect, however, to Papua, it appears to Ministers desirable that notice should be given of the withdrawal of that Territory in the cases mentioned in your despatch now under reference.

I may add that Ministers concur in the suggested additions to the protocols.

I have, &c.,
DENMAN,
Governor-General.

* No. 255.

† No. 260 in Dominions No. 39.

28487

No. 281.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received September 9, 1912.)

(No. 154.)

Commonwealth of Australia.

SIR, Governor-General's Office, Melbourne, 27th July, 1912.
REFERRING to your despatch, No. 74, dated 16th February last,* on the subject of the position of the self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883, I have the honour to inform you that the Commonwealth Government is gratified to learn of the friendly offer of the Italian Government to permit of the withdrawal of the Australian States which adhered to the Anglo-Italian Treaty of 1883 upon the substitution therefor of a most-favoured-nation regime.

2. Careful consideration has been given to this, and also to the suggestion by the Italian Government for the negotiation of a definite treaty which would replace the present treaty as between Italy and the Commonwealth.

3. In the opinion of this Government, however, whilst any foreign country still retains treaty rights in respect to trade and commerce with British Dominions similar to those held by Italy under the present treaty, it would serve no useful purpose to accept release under the conditions mentioned.

4. Until the Navigation Bill now before Parliament has become law, and legislative provision has been made for the arrangement, through His Majesty's Government, of conventional tariffs with foreign countries, it is not considered advisable to open up negotiations for a separate treaty, as suggested, but when the matters mentioned have been dealt with by Parliament, further consideration will be given to the question.

5. Ministers desire to express the hope that the Imperial authorities will still keep in view the desirability of obtaining the acquiescence of the Italian Government in the unconditional withdrawal of the Commonwealth States from the Treaty, and will avail themselves of such opportunities as may occur for obtaining further consideration of the question by the Italian Government.

I have, &c.,
DENMAN,
Governor-General.

28834

No. 282.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE

(Received September 12, 1912.)

(No. 62.)

SIR, Government House, St. John's, 30th August, 1912.
WITH reference to your despatch, No. 249A, of 1st November, 1911,† on the subject of the liberty of withdrawal by the self-governing Dominions from commercial treaties, I have the honour to transmit herewith a copy of a letter from the Colonial Secretary on the subject.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 282.

Colonial Secretary's Office, St. John's, Newfoundland,
August 9, 1912.

SIR, REFERRING to despatch, No. 249A, of 1st November last, from the Right Honourable the Secretary of State for the Colonies, respecting the securing of liberty for the self-governing Dominions if they desire to withdraw from certain commercial

* No. 255 in Dominions No. 39.

† No. 223 in Dominions No. 39.

treaties binding upon them without impairing the validity of the treaties for the rest of the Empire, I have the honour to state that Ministers have noted the various points in this matter with interest, and they approve the effort of His Majesty's Government to secure the liberty of withdrawal as above stated. They also concur in the proposal that in future treaties a provision shall be inserted providing for the separate accession and withdrawal of Dominions and Colonies.

I have, &c.,
R. WATSON,
Colonial Secretary.

His Excellency
Sir Ralph Williams, K.C.M.G.,
&c., &c., &c.,
Governor.

28835

No. 283.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12 September, 1912.)

(No. 63.)

SIR, Government House, St. John's, 30th August, 1912.
REFERRING to your despatch, No. 137, of the 10th July,* on the subject of the withdrawal of the self-governing Dominions from the Commercial Treaty of 1876 with Austria-Hungary, I have the honour to inform you that my Ministers do not desire that the Treaty should cease to be applicable to this Colony.

I have, &c.,
RALPH WILLIAMS.

28118

No. 284.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 344.]

(No. 373.)

MY LORD, Downing Street, 12 September, 1912.
WITH reference to my despatch, No. 99, of the 23rd of February,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a despatch‡ from the Acting British Consul-General, Monrovia, stating that the Liberian Government are willing to include Papua and Norfolk Island in the arrangement permitting of the separate withdrawal of His Majesty's self-governing Dominions from the Anglo-Liberian Commercial Treaty.

I should be glad to learn whether your Ministers wish steps to be taken for the termination of the Treaty in respect of Papua and Norfolk Island.

I have, &c.,
L. HARCOURT.

29356

No. 285.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 17, 1912.)

[Answered by No. 297.]

SIR, Foreign Office, September 16, 1912.
WITH reference to the last paragraph of your letter of the 4th instant (25753/12),§ I am directed by Secretary Sir E. Grey to transmit herewith the draft

* No. 255. † No. 260 in Dominions No. 32. ‡ Enclosure in No. 275. § No. 276.

of a proposed note to the Swiss Chargé d'Affaires respecting the conditions on which the Anglo-Swiss Treaty of 1855 may cease to be applicable to one or all of the self-governing Dominions.

I am to enquire whether Mr. Secretary Harcourt concurs in the terms of the enclosed draft.

I am, &c.,
EYRE A. CROWE.

Enclosure in No. 285.

DRAFT NOTE to the SWISS CHARGÉ D'AFFAIRES.

SIR, Foreign Office, September 1912.
WITH reference to the note which you were good enough to address to me on the 9th ultimo, enclosing an amended draft protocol setting forth the conditions on which the Anglo-Swiss Treaty of 1855 may cease to be applicable to one or all of His Majesty's self-governing Dominions, I have the honour to request that the following observations may be submitted to the Swiss Government for their favourable consideration.

The first amendment proposed in your note provides that during the continuance of the arrangement recorded in the third paragraph of the draft protocol Switzerland and any of His Majesty's self-governing Dominions to which the treaty ceases to be applicable "continueraient réciproquement à traiter leurs produits ainsi que leurs ressortissants par rapport à tous les points réglés par le dit Traité aussi favorablement que ceux de n'importe quel Etat étranger."

This amendment as drafted would, it is feared, give rise to situations of considerable difficulty in the future.

British subjects resident or domiciled in any of His Majesty's self-governing Dominions are entitled, whether or not a particular treaty is applicable to the Dominion in question, to the benefits accorded in that treaty to all British subjects unless such treaty indicates an intention that such British subjects or any class of them should be excluded from the benefits conferred by it on British subjects at large. In the case of any given treaty, the indication of such an intention must depend on the construction to be placed on that particular document.

Now, the Anglo-Swiss Treaty of 1855 does not, as far as can be seen, indicate such an intention, and consequently British subjects resident or domiciled in a Dominion to which the treaty has ceased to be applicable could claim the benefits secured by all the articles except those mentioned in Articles VII., IX., and X.

Such British subjects must accordingly be regarded as being in the position intended to be secured to them by the third paragraph of the draft protocol as at present amended, without reference to the continuance of the arrangement to be recorded in that paragraph, whilst the paragraph as drafted would be an admission that an express treaty stipulation is required to place them in that position. In proposing the amendment under consideration His Majesty's Government realise that the Swiss Government have been influenced by a desire to secure the position of their own subjects in His Majesty's dominions and, in view of the difficulties which might arise from any difference of international status among various classes of British subjects, I have the honour to propose for the consideration of your Government that the third paragraph of the draft protocol should be further amended by the deletion of the words "ainsi que leurs ressortissants" and by the addition of a sentence to the effect that during the currency of the arrangement recorded in that paragraph Swiss subjects shall continue to receive most-favoured-nation treatment as regards all the matters dealt with by the Treaty in any Dominion where the treaty had ceased to be applicable. In proposing a solution of the question on the above lines in order to bring the views of our two Governments into agreement, I have the honour to add that His Majesty's Government are ready to assent to the substitution of twelve months for six months at the end of the same paragraph of the protocol.

No. 286.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 17, 1912.)

[Answered by No. 291.]

Sir,

Foreign Office, September 16, 1912.

IN reply to your letter, 27373/1912, of the 6th instant,* respecting the termination of the Anglo-Mexican Commercial Treaty of 1888 in respect of certain of His Majesty's Possessions, I am directed by Secretary Sir E. Grey to transmit to you herewith a draft note which His Majesty's Minister at Mexico will, subject to the concurrence of Mr. Secretary Harcourt, be instructed to address to the Mexican Minister for Foreign Affairs providing for the termination of the Treaty, by an exchange of notes, as regards the Transvaal and the Orange River Colony.

The twelve months' notice of termination which will have to be given would, in ordinary circumstances, run as from the date of Mr. Stronge's note to the Minister for Foreign Affairs. In the present case, however, it might be more convenient to arrange, if possible, for the twelve months to run from the date of the original notice given by Mr. Stronge, namely, April 13th last. This arrangement would have the advantage of making the Treaty terminate simultaneously as regards Natal, Transvaal, and the Orange River Colony, namely, on April 13th, 1913. If, therefore, Mr. Harcourt so desires, Sir E. Grey is prepared to instruct Mr. Stronge to request the Mexican Government to agree to such an arrangement, although it is possible that the Mexican Government will not consent.

I am, &c.,

EYRE A. CROWE.

Enclosure in No. 286.

Mr. STRONGE to the MEXICAN MINISTER FOR FOREIGN AFFAIRS.

(Draft.)

MONSIEUR LE MINISTRE,

Mexico,

, 1912.

YOUR EXCELLENCY is aware from the correspondence which has recently passed between us of the desire of His Majesty's Government to terminate the operation of the Anglo-Mexican Commercial Treaty of November 27th, 1888, so far as concerns the Transvaal and Orange Free State Provinces of the Union of South Africa. For this purpose I am directed by His Majesty's Secretary of State for Foreign Affairs to propose that, with the consent of the Mexican Government, the Treaty in question shall cease to apply to those Provinces from and after

, a year from the present date.

If the Mexican Government agree to this proposal, I should be much obliged if Your Excellency would so inform me in reply to this note. The exchange of notes could then be regarded as placing on record the arrangement agreed to between our respective Governments in the matter.

29342

No. 286A.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)

(New Zealand.)

(Australia.)

(Newfoundland.)

(Union of South Africa.)

(Confidential.)

Sir,

My Lord,

Downing Street, 16 September, 1912.

[Canada, New Zealand, and Newfoundland: With reference to Lord Elgin's despatch (Confidential), of the 4th August, 1908,†]

* No. 278.

† No. [48] [49] in Dominions No. 7.

[Australia: With reference to Lord Northcote's despatch (Confidential), of the 27th August, 1908,*]

[South Africa: With reference to Lord Elgin's despatch (Confidential) to the Governors of the South African Colonies of the 4th August, 1908,†]

I HAVE the honour to transmit to [Your Royal Highness] [Your Excellency] [you] for the information of your Ministers, the accompanying copies of the revised form§ of the draft Treaty of Commerce and Navigation which is intended to form the basis of future negotiations for general treaties of commerce and navigation undertaken by His Majesty's Government.

2. The changes made in the draft are, in the main, matters of detail, but I have to call the attention of your Ministers to Articles 21 and 22 indicating the manner in which the treaty may become or may cease to be applicable to the self-governing Dominions.

I have, &c.,

L. HARCOURT.

29364

No. 287.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received September 17, 1912.)

(No. 69.)

St. John's, 6th September, 1912.

Sir,

REFERRING to your despatch, No. 266, of the 24th November, 1911,|| regarding the Anglo-Mexican Treaty of 1888, I have the honour to state that my Ministers have no reason to desire that this Colony should withdraw from the Treaty.

I have, &c.,

RALPH WILLIAMS.

28835

No. 288.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

Downing Street, 18 September, 1912.

Sir,

WITH reference to the letter from this Office of the 11th July,‡ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir E. Grey] [the Board of Trade], the accompanying copies of despatches** from the Officer Administering the Government of the Union of South Africa and the Governor of Newfoundland, stating that their Governments do not desire that the Treaty of 1876 with Austria-Hungary should cease to be applicable to the Union of South Africa and Newfoundland respectively.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

28486

No. 285.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 300 and 308.]

Downing Street, 20 September, 1912.

Sir,

WITH reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, the accompanying copy of a despatch†† from the Governor-General of Australia with regard to the treaty position of Papua and Norfolk Island. A print of Mr. Harcourt's despatch of the 23rd February last‡‡ is enclosed for convenience of reference.

* No. 53 in Dominions No. 7.

‡ No. 49 in Dominions No. 7.

§ Enclosure in No. 294 in Dominions No. 39.

[No. 233 in Dominions No. 39.

¶ L.F. transmitting copy of No. 255.

** Nos. 279 and 283.

†† No. 280.

‡‡ No. 260 in Dominions No. 39.

2. Mr. Harcourt would be glad if steps could now be taken to terminate, on the usual notice, the application of the treaties with Greece, Egypt, and Paraguay in respect of Papua, and if the Liberian Government, as to whose attitude I am to refer to your letter of the 4th of September,* could be similarly approached.

Foreign Office to Colonial Office, 30th August.

Colonial Office to Foreign Office, 6th September.

3. As regards the treaty with Mexico, I am to refer to the correspondence† noted in the margin, and to ask that arrangements may now be made for an exchange of notes with the Mexican Government providing that the treaty shall cease to apply to Papua forthwith, and I am at the same time to request that a provision may be included for the termination of the treaty in respect of the Transvaal and Orange Free State Provinces of the Union of South Africa, such termination to take effect after twelve months from the 13th of April, 1912, the date from which notice was given in the case of Natal (see the enclosures in your letter of the 1st of May last).‡

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

29825

No. 290.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received September 23, 1912.)

[Answered by No. 295.]

Sir,

Foreign Office, September 21, 1912.

With reference to the letter from this Office of July 18th last,§ I am directed by Secretary Sir E. Grey to transmit herewith, to be laid before Mr. Secretary Harcourt, copy of a memorandum furnished to this Department by the Japanese Ambassador, relating to the interpretation to be placed on Articles 1 and 8 of the Anglo-Japanese Commercial Treaty.

As will be observed, the Japanese Government agree to the omission of the words "in any way" from the interpretation of Article 1, and to the suggested amendment of His Majesty's Government of the interpretation of Article 8.

Sir E. Grey proposes, subject to the concurrence of Mr. Harcourt, to inform Monsieur Kato that His Majesty's Government accept the interpretation in its present shape.

I am, &c.,
EYRE A. CROWE.

Enclosure in No. 290.

MEMORANDUM.

Regarding the suggestion made by the Imperial Government of inserting in the interpretation of Article 1. of the words "in any way," His Britannic Majesty's Secretary of State for Foreign Affairs pointed out in his Memorandum of the 17th July last that the insertion does not render the sense of the interpretation any clearer. As the only reason which caused the suggestion to be made was that the Imperial Government had thought that the insertion in question would render the sense of the interpretation somewhat clearer, they are now prepared to withdraw the proposed suggestion.

As regards the suggestion of His Britannic Majesty's Government mentioned in the same Memorandum, that in the interpretation of Article 8 the phrase "any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the seas to which the Treaty has been or may be made applicable under the provisions of Article 26," should be substituted for the phrase "His Majesty's Dominions beyond the Seas or Colonies," the Imperial Government entirely concur with the suggestion.

* No. 273.

† Nos. 273 and 278.

‡ No. 287 in Dominions No. 39.

§ No. 256.

The interpretation should now read as follows:—

"The provisions of Article 1 do not interfere with any immigration legislation of either of the Contracting Parties that does not differentiate against the subjects of the other Contracting Party as compared with the subjects or citizens of the most favoured nation.

"Article 8 mentions the 'United Kingdom' and 'Japan' by name, while the other clauses of the Treaty generally refer to the 'High Contracting Parties.' It is understood therefore that the provisions of Article 8 do not apply to any of His Britannic Majesty's Dominions, Colonies, Possessions or Protectorates beyond the Seas to which the Treaty has been or may be made applicable under the provisions of Article 26."

Japanese Embassy,
September 10th, 1912.

29364

No. 291.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by Nos. 300 and 328.]

Downing Street, 23 September, 1912.

Sir,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th of September,* on the subject of the termination of the operation of the Anglo-Mexican Commercial Treaty of 1888 as regards the Transvaal and Orange Free State Provinces of the Union of South Africa, and in reply I am to invite reference to the letter from this Office of the 20th of September.†

2. I am to take this opportunity of enclosing a copy of a despatch‡ from the Governor of Newfoundland, from which it appears that his Ministers have no reason to desire that the Treaty should cease to be applicable to that Colony.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

28487

No. 292.

COLONIAL OFFICE to BOARD OF TRADE.

Downing Street, 26 September, 1912.

Sir,

With reference to the letter from this Department of the 16th April,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copies of despatches|| from the Governor of New Zealand and the Governor-General of the Commonwealth of Australia, relative to the position of those Dominions in regard to the Anglo-Italian Treaty of Commerce of 1883.

I am, &c.,
HENRY LAMBERT,
for the Under Secretary of State.

28487

No. 293.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, 26 September, 1912.

Sir,

With reference to the letter from this Department of the 31st ultimo,¶ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of a despatch** from the Governor-General of the Commonwealth of Australia, communicating the views of his Government in regard to the Anglo-Italian Treaty of Commerce of 1883.

I am, &c.,
HENRY LAMBERT,
for the Under Secretary of State.

* No. 286.

† No. 289.

‡ No. 287.

§ L.F. transmitting copy of No. 276 in Dominions No. 39.

|| Nos. 271 and 281.

¶ L.F. transmitting copy of No. 271.

** No. 281.

No. 294.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Copy to Foreign Office, 1 October, 1912. L.F.]

[Answered by No. 359.]

(No. 280.)

MY LORD,

Downing Street, 27 September, 1912.

I HAVE the honour to request you to inform your Ministers that my attention has been called to the statement on page XXVIII. of Parliamentary Paper, B6, containing the financial statement made by the Minister of Finance in Committee in the House of Representatives on the 6th of August with regard to the settlement of gum lands.

2. I observe that it is stated that it is proposed that a number of sections of land should be surveyed, and that gum diggers should have the opportunity of taking up one or more sections, according to the size of their families and their ability to work the land, and that exceptionally good treatment will be offered in such cases to British subjects only.

3. I shall be glad if you will remind your Ministers that under Article 15 of the Treaty of 1883 with Italy, to which New Zealand became a party, Italian subjects are entitled to acquire every description of property, movable and immovable, in any manner whatever, under the same conditions as British subjects. Moreover, the privileges accorded to Italian subjects by this Treaty must be extended under the most-favoured-nation clauses in the Treaties with Russia, Switzerland, and Colombia, to Russian subjects and Swiss and Colombian citizens.

4. Your Ministers will no doubt, therefore, take care that a clause shall be inserted in any Act introduced to deal with the matter preserving any Treaty rights which at present exist.

I have, &c.,

L. HARCOURT.

29825

No. 295.

COLONIAL OFFICE TO FOREIGN OFFICE.

[Answered by No. 302.]

SIR,

Downing Street, 30 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st instant,* forwarding a copy of a memorandum received from the Japanese Ambassador regarding the interpretation to be placed upon Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911.

Mr. Harcourt concurs in Secretary Sir Edward Grey's proposal to inform Monsieur Kato that His Majesty's Government accept the interpretation in its present shape.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

31053

No. 296.

FOREIGN OFFICE TO COLONIAL OFFICE.

(Received 2 October, 1912.)

[Answered by No. 298.]

SIR,

Foreign Office, September 30, 1912.

WITH reference to my letter of the 23rd ultimo,† I am directed by Secretary Sir E. Grey to transmit herewith to be laid before Mr. Secretary Harcourt, a copy of a despatch from His Majesty's Minister at Bogotá reporting the signature of the

* No. 290.

† No. 270.

Protocol between the United Kingdom and Colombia respecting the application of the Treaty of Commerce of February 16th, 1866, to certain parts of His Majesty's Dominions. Copies (in print) of the Protocol* as signed are also enclosed.

With Mr. Harcourt's concurrence, Sir E. Grey proposes to lay the Protocol in the Treaty Series as soon as it is reported that it has passed the Colombian Chambers.

I am, &c.,

EYRE A. CROWE.

Enclosure in No. 296.

(Commercial. No. 17.)

SIR,

British Legation, Bogotá, August 21st, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 7, Commercial, of June 7th, enclosing a revised draft for enabling the self-governing Dominions to withdraw from the Anglo-Colombian Treaty of 1866.

On the receipt of this despatch, on July 22nd, I called on the Minister for Foreign Affairs, and expressed the hope that the revised draft would meet the views of the Colombian Government.

His Excellency told me that he saw no objection to it in its present form, so I suggested sending it to him officially.

As the Protocol, after signature, has to be laid before the Chambers and sanctioned by law, I thought it desirable to explain fully the motives of His Majesty's Government and embodied in my Note the considerations set forth in the Circular despatch of October 20th, 1911, a copy of which was enclosed in your despatch, No. 9, Commercial, of November 16th, making the necessary additions as instructed in your despatch under reply.

As reported in my telegram of to-day's date, I yesterday signed the declaration with the Minister for Foreign Affairs. I have the honour to enclose the document* herewith.

Señor Valencia does not anticipate any difficulty in obtaining the required sanction from the Chambers.

I have, &c.,

PERCY C. WYNDHAM.

Protocol between the United Kingdom and Colombia respecting the application of the Treaty of Commerce of February 16, 1866, to certain parts of His Britannic Majesty's Dominions.

Signed at Bogotá, August 20, 1912.

WHEREAS the commercial relations between the British Empire and the Republic of Colombia are regulated by the Treaty of February 16th, 1866, and whereas it is desirable to make further provision with regard to the application of the said Treaty to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the Government of His Britannic Majesty and the Government of Colombia hereby agree that either of the Contracting Parties shall have the right to terminate the said Treaty with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that should the said Treaty cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the Contracting Parties.

In witness whereof, we, Percy C. Wyndham, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty in Colombia, and José María González Valencia, Minister of Foreign Affairs for the Republic of Colombia, have signed and sealed the present Protocol in the City of Bogotá, in the Palace of San Carlos, on the twentieth day of August in the year one thousand nine hundred and twelve.

(L.S.) PERCY C. WYNDHAM.

(L.S.) JOSÉ M. GONZÁLEZ VALENCIA.

* English version only printed.

29356

No. 297.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 1 October, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 16th of September,* forwarding the draft of a Note to the Swiss Chargé d'Affaires on the subject of the Anglo-Swiss Treaty of 1855.

2. In reply I am to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of the draft, in which a few alterations have been made, subject to which Mr. Harcourt concurs in the draft.

3. I am to suggest that if the Swiss Chargé d'Affaires discusses the matter further and does not appear to understand the position of His Majesty's Government in regard to the benefits secured to British subjects by the treaty, it might be well to point out to him that not only is it impossible in law to differentiate between British subjects resident in the United Kingdom and British subjects resident in any Dominion to which the treaty might cease to be applicable, but that, owing to the constant movement of persons within the Empire, it would be quite impossible, in a great many cases, to discover any certain test by which it could be determined whether or not any given individual really belonged to the United Kingdom or to another part of the Empire. For example, in the case of a man who emigrates to Canada, or still more of a man who emigrates and then returns temporarily or permanently to this country some years later, if the legal test of nationality were abolished under which the man would, in any case, be regarded as a British subject, the only test which could be adopted by which it would be determined whether he was a Canadian or an Englishman would appear to be that of domicile, and the difficulty of proving domicile is, of course, in many cases very great. In the first case referred to it would, if the facts could be ascertained, apparently be necessary to treat differently the Englishman who had emigrated, intending to settle in Canada as his permanent home, and the Englishman who had emigrated with the intention of returning to England after securing a competence.

I am, &c.,

HENRY LAMBERT.

for the Under-Secretary of State.

Enclosure in No. 297.

DRAFT NOTE TO SWISS CHARGÉ D'AFFAIRES.†

SIR, September, 1912.
With reference . . . [See Enclosure in No. 285] . . . difficulty in the future.

British subjects resident or domiciled in any of His Majesty's self-governing Dominions are entitled, whether or not a particular treaty is applicable to the Dominion in question, to the benefits accorded in that treaty to all British subjects unless such treaty expressly excludes such British subjects or any class of them, from the benefits conferred by it on British subject at large.

Now, the Anglo-Swiss Treaty of 1855 does not in any way differentiate between classes of British subjects, and, consequently, British subjects resident or domiciled in a Dominion to which the treaty had ceased to be applicable could claim the benefits secured by all the articles except those mentioned in Articles VII., IX., and X.

Such British subjects must, accordingly, be regarded as being in the position intended to be secured to them by the third paragraph of the draft protocol as proposed by the Swiss Government, without reference to the continuance of the arrangement recorded in that paragraph, whilst the acceptance by His Majesty's Government of the paragraph as drafted would be an admission that an express treaty stipulation is required to place them in that position. His Majesty's Government realise that, in proposing the amendment under consideration, the Swiss Government have been influenced by a desire to secure the position of their own subjects in

* No. 285.

† A note identical in terms with this draft was addressed to the Swiss Minister on October 5th, 1912. (No. 10 in Dominions No. 59.)

His Majesty's dominions, and, in view of the legal and practical impossibility of establishing any difference of international status among various classes of British subjects, I have the honour to propose, for the consideration of your Government, that the third paragraph of the draft protocol should be amended by the deletion of the words "ainsi que leurs ressortissants" and by the addition of a sentence to the effect that during the currency of the arrangement recorded in that paragraph Swiss subjects shall continue to receive most-favoured-nation treatment as regards all the matters dealt with by the Treaty in any Dominion to which the Treaty has ceased to be applicable. In proposing a solution of the question on the above lines, in order to bring the views of our two Governments into agreement, I have the honour to add that His Majesty's Government are ready to assent to the substitution of twelve months for six months at the end of the same paragraph of the protocol.

31053

No. 298.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 332.]

SIR, Downing Street, 5 October, 1912.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 30th ultimo,* forwarding a copy of a despatch from His Majesty's Minister at Bogotá reporting the signature of the Protocol between the United Kingdom and Colombia regarding the application of the Anglo-Colombian Treaty of Commerce of 1866 to certain parts of His Majesty's Dominions.
Mr. Harcourt concurs in Sir E. Grey's proposal to lay the Protocol in the Treaty Series as soon as it has been passed by the Legislature of Colombia.

I am, &c.,

H. W. JUST.

31820

No. 299.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 October, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Chargé d'Affaires, Vienna, dated October 3, 1912, on the subject of the withdrawal of Colonies from the Treaty between Great Britain and Austria-Hungary: question of Papua and Norfolk Island.

Reference to previous letter: To Colonial Office, July 1.†

Foreign Office,
October 8, 1912.

Enclosure in No. 299.

(No. 88. Commercial.)

SIR, Vienna, October 3rd, 1912.
With reference to Sir F. Cartwright's despatch, No. 65, of this series, of June 26th last, I have the honour to transmit to you herewith copy of a Note which I have received from the Imperial and Royal Ministry for Foreign Affairs with regard to the association of Papua and Norfolk Island with those Colonies which, should they desire to do so, are to be authorised to withdraw from the Commercial Treaty of 1876 between Great Britain and Austria-Hungary.

The Austro-Hungarian Government are prepared to agree in principle to this proposal on the condition stipulated in the case of the five self-governing Colonies, namely, that a new Commercial Agreement shall be concluded with each Colony before its withdrawal from the existing Treaty of Commerce.

* No. 296.

† No. 248.

The Ministry for Foreign Affairs add that, as fresh Treaties of Commerce are to be concluded between the Austro-Hungarian Government and such Colonies as withdraw from the Treaty of 1876, it would appear unnecessary to sign a Protocol as suggested in your despatch, No. 48, of October 20th, 1911, and consequently also unnecessary to add to such a Protocol a sentence relating to Papua and Norfolk Island.

I have, &c.,
THEO. RUSSELL.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

MINISTRY FOR FOREIGN AFFAIRS to Mr. RUSSELL.

(Translation.)

In reply to his Note of June 26th last, the undersigned has the honour to inform His Britannic Majesty's Chargé d'Affaires that the Imperial and Royal Government have agreed in principle to the proposal of the British Government that, should the Treaty of Commerce of December 5th, 1876, between Austria-Hungary and Great Britain cease to be valid for the Commonwealth of Australia, the Colonies of Papua and Norfolk Island shall be authorised to withdraw from the said Treaty. The same condition would be applied as was stipulated in the case of the withdrawal of the five great self-governing British Colonies, as set forth in the Memorandum from the Imperial and Royal Ministry for Foreign Affairs of June 24th last.

This condition is the conclusion of a new Commercial Agreement with the respective Colony before its withdrawal from the existing Treaty of Commerce. As the economic relations between Austria-Hungary and the respective Colonies which intend to withdraw from the Commercial Treaty of December 5th, 1876, are to be regulated by fresh Treaties of Commerce, it would appear unnecessary to sign a Protocol as suggested in the Memorandum from the British Embassy of October 30th, 1911, and to complete such a Protocol by an additional sentence with regard to the Colonies of Papua and Norfolk Island, as proposed in the Note from the British Embassy of June 26th last.

The undersigned, &c.,
IPPEN
(For the Minister).

Vienna,
September 28th, 1912.

31870

No. 300.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 October, 1912.)

[Answered by No. 304.]

SIR, Foreign Office, October 8, 1912.

With reference to your letter of the 20th ultimo,* respecting the treaty position of Papua and Norfolk Island, I am directed by Secretary Sir E. Grey to transmit to you, herewith, copies of despatches which have been addressed to His Majesty's Representatives in Athens, Buenos Ayres, and Monrovia, instructing them to give notice of termination, in respect of Papua, of the Commercial Treaties with Greece, Paraguay and Liberia respectively.

I am likewise to transmit to you a copy of a despatch which has been sent to His Majesty's Minister at Mexico, instructing him to effect the termination of the Anglo-Mexican Treaty in respect of the Transvaal, the Orange River Colony, and Papua, by means of an exchange of Notes. The draft Note to the Mexican Minister for Foreign Affairs dealing with the two former Colonies, which was communicated to you in the letter from this Department of the 16th ultimo,† has now been altered so as to provide for the case of Papua as well. You will also observe that Mr. Stronge has been instructed to suggest to the Mexican Government that the

* No. 289.

† No. 286.

twelve months' notice of termination should run as from the 13th April last in the case of Papua, as well as in the case of the Transvaal and the Orange River Colony.

As regards the Anglo-Egyptian Treaty of 1889, I am to point out that, in virtue of the Anglo-Egyptian Agreement of the 16th December, 1907* (copy of which is enclosed), Papua is no longer bound by the Treaty. A list of those Dominions and Colonies to which the above Treaty at the present time applies is shown in the accompanying Treaty Series paper (No. 18, 1909).†

I am, &c.,
A. LAW.

Enclosure 1 in No. 300.

(No. 29. Commercial.)

Foreign Office, 8th October, 1912.

SIR, His Majesty's Government desire to terminate the Anglo-Greek Commercial Treaty of the 10th November, 1886, in respect of the Colony of Papua. I request, therefore, that you will give the Greek Government twelve months' notice to this effect, in accordance with Clause 4 of the Anglo-Greek Declaration of the 10th/23rd November, 1904.

I am, &c.,
A. LAW.

H. D. Beaumont, Esquire,
&c., &c., &c.

Enclosure 2 in No. 300.

(No. 63. Commercial.)

Foreign Office, 8th October, 1912.

SIR, His Majesty's Government desire to terminate the Anglo-Paraguayan Commercial Treaty of the 16th October, 1884, in respect of the Colony of Papua. I request, therefore, that you will give the Paraguayan Government twelve months' notice to this effect, in accordance with the Anglo-Paraguayan Declaration of the 14th March, 1908.

I am, &c.,
A. LAW.

Sir R. Tower, K.C.M.G., C.V.O.,
&c., &c., &c.

Enclosure 3 in No. 300.

(No. 4. Commercial.)

Foreign Office, October 8th, 1912.

SIR, In your despatch, No. 11, Commercial, of the 19th August, you stated that the Liberian Government were prepared to agree to the termination of the Anglo-Liberian Commercial Treaty in respect of the Colonies of Papua and Norfolk Island.

I am now directed by Secretary Sir E. Grey to inform you that His Majesty's Government desire to terminate the Treaty in respect of Papua, and I am to request that you will propose to the Liberian Government that this termination should be effected by means of an exchange of Notes between yourself and the Liberian Secretary of State. I am to transmit to you herewith a draft Note to this effect, which you should submit to the Secretary of State for his approval.

I am, &c.,
A. LAW.

M. Y. H. Parks, Esquire,
Acting British Consul-General,
Monrovia.

* [Cd. 3874], January, 1908.

† [Cd. 4700], June, 1909.

(Draft Note.)

YOUR EXCELLENCY, Monrovia, 1912.
 YOUR Excellency recently informed me that the Liberian Government would be willing to agree to the termination of the Anglo-Liberian Commercial Treaty of the 21st November, 1848, in respect of the British Colonies of Papua and Norfolk Island.

His Majesty's Government are at present desirous of terminating the Treaty as regards Papua, and for this purpose, I am directed by His Majesty's Secretary of State for Foreign Affairs to propose that, with the consent of the Liberian Government, the Treaty in question shall cease to apply to Papua from and after a year from the present date.

If the Liberian Government agree to this proposal, I should be much obliged if Your Excellency would so inform me in reply to this Note. The exchange of Notes could then be regarded as placing on record the arrangement agreed to between our respective Governments in the matter.

The Liberian Secretary of State.

Enclosure 4 in No. 300.

(No. 20. Commercial.)

SIR, Foreign Office, October 8th, 1912.
 I HAVE received your despatch, No. 106, Commercial, of the 12th August, respecting the termination of the Anglo-Mexican Commercial Treaty of 1888 in respect of certain British Colonies, and I now request that you will inform the Mexican Minister for Foreign Affairs that His Majesty's Government consider that an exchange of Notes between yourself and His Excellency would be the most suitable method of terminating the Treaty in respect of those of His Majesty's Colonies which do not come within the provisions of Article 16 of the Treaty.

His Majesty's Government are desirous of proceeding at once with the termination of the Treaty as regards the Transvaal, the Orange River Colony, and Papua. In ordinary circumstances, in the case of an exchange of Notes, the customary twelve months' notice would run as from the date of your Note to the Minister for Foreign Affairs. In the present case, however, it would be more convenient to arrange, if possible, for the twelve months' notice to run from the 13th April last, being the date on which you gave notice of the termination of the Treaty in respect of Natal. Such an arrangement would have the advantage of making the Treaty terminate simultaneously as regards the Transvaal, the Orange River Colony, Papua, and Natal, namely, on the 13th April, 1913. You should point this out to the Mexican Government and enquire whether they would, in view of the circumstances, be prepared to meet the wishes of His Majesty's Government in this matter. If they raise objection you are authorized to agree to the twelve months' notice taking effect as from the date of your Note to the Minister for Foreign Affairs.

I transmit to you herewith, for your guidance, a draft Note which you should address to the Minister for Foreign Affairs if he agrees to the procedure now proposed.

I am, &c.,
 A. LAW.

F. W. Stronge, Esquire,
 &c., &c., &c.

MR. STRONGE to the MEXICAN MINISTER for FOREIGN AFFAIRS.

(Draft.)

MONSIEUR LE MINISTRE, Mexico, 1912.
 YOUR Excellency is aware, from the correspondence which has recently passed between us, of the desire of His Majesty's Government to terminate the operation of the Anglo-Mexican Commercial Treaty of November 27th, 1888, so far as concerns the Transvaal and Orange Free State Provinces of the Union of South Africa, and the Colony of Papua. For this purpose I am directed by His Majesty's Secretary

of State for Foreign Affairs to propose that, with the consent of the Mexican Government, the Treaty in question shall cease to apply to those Provinces and Colony from and after the 13th April, 1913.

If the Mexican Government agree to this proposal, I should be much obliged if Your Excellency would so inform me in reply to this Note. The exchange of Notes could then be regarded as placing on record the arrangement agreed to between our respective Governments in the matter.

31053

No. 301.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 697.)	(New Zealand. No. 292.)
(Australia. No. 403.)	(Newfoundland. No. 206.)
(Union of South Africa. No. 471.)	

[SIR,]
 [MY LORD,]

Downing Street, 9 October, 1912.

WITH reference to previous correspondence relative to the withdrawal of the self-governing Dominions from certain Commercial Treaties, I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, a copy of a Protocol* which has been signed by the representatives of His Majesty's Government and the Government of Colombia securing to either Government the right to terminate the Anglo-Colombian Treaty of Commerce of 1866 with respect to the self-governing Dominions.

The Protocol has yet to be approved by the Legislature of Colombia.

I have, &c.,
 L. HARCOURT.

32029

No. 302.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 October, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note to the Japanese Ambassador, dated October 7th, on the subject of the Anglo-Japanese Commercial Treaty; Interpretation of Articles 1 and 8.

Reference to previous letter: Colonial Office, No. 29825/1912, of 30th September, 1912.†

Foreign Office,
 October 10th, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 302.

YOUR EXCELLENCY,

Foreign Office, October 7, 1912.

I HAVE the honour to acknowledge the receipt of your note of the 10th ultimo, enclosing a memorandum relating to the interpretation to be placed on Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911, and to take note that the Japanese Government agree to the omission of the words "in any way" from the interpretation of Article 1, and to the amendment, suggested by His Majesty's Government in the Memorandum of July 17th last, to the interpretation of Article 8.

* Enclosure in No. 296.

† No. 295.

I have the honour to inform Your Excellency that His Majesty's Government accept the interpretation of these Articles in its form as now amended.

I have, &c.,
E. GREY.

His Excellency
the Baron Takaaki Kato,
&c., &c., &c.

31820

No. 303.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
(No. 414.)

My Lord,

Downing Street, 15 October, 1912.

With reference to my despatch, No. 290, of the 10th July,* I have the honour to transmit to Your Excellency the accompanying copy of a despatch† from His Majesty's Chargé d'Affaires at Vienna, on the subject of the position of Papua and Norfolk Island under the Commercial Treaty of 1876 between this country and Austria-Hungary.

I have, &c.,
L. HARCOURT.

31870

No. 304.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 309.]

Sir,

Downing Street, 16 October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th October,‡ relative to the position of Papua under certain Commercial Treaties.

2. As will be seen from the letter from this Department of the 20th September,§ it was Mr. Harcourt's desire, inasmuch as the Treaty with Mexico had already ceased to be applicable to the Commonwealth of Australia, that arrangements should be made for the immediate termination of the Treaty in respect of Papua. The instructions which have been sent to His Majesty's Minister at Mexico contemplate the termination of the Treaty in respect of Papua as from the 13th April, 1913. Mr. Harcourt would have preferred if it had been found possible to meet his wishes in this matter, but as the point is not of any considerable importance he does not press for the issue of supplementary instructions to His Majesty's Minister.

3. As regards the Convention with Egypt, the Agreement of the 16th December, 1907, had the effect of terminating the Convention in respect of all British Colonies, but this was a mistake, and arrangements were made for a reversion to the *status quo* on the one hand by an agreement with the Egyptian Government that the Convention should still be applicable to the self-governing Colonies whose Governments had adhered to it, and, on the other, by a notification of the adhesion of "all Crown Colonies" (*vide* Sir E. Grey's telegram of the 13th March, 1908, and the late Sir E. Gorst's despatch, No. 21, of the 22nd March, 1908||). The effect of this notification was to provide for the continued application of the Convention to Papua and Norfolk Island, and both these places should accordingly have been included in the list published in the Treaty Series paper (No. 18, 1909). The omission was not observed when the Colonial Office letter of 10th June, 1909,¶ was written. In these circumstances Mr. Harcourt fears, unless that list was communicated officially to the Egyptian Government in explanation of what was meant by the phrase "all Crown Colonies" used in the notification of adhesion, that it will be necessary to approach them formally for the termination of the Convention in respect of Papua.

I am, &c.,
H. W. JUST.

* No. 255. † Enclosure in No. 299.
‡ 10775/08 and 11728/08: not printed.

§ No. 300. || No. 286.
¶ 18375/09: not printed.

32029

No. 305.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

- | | |
|----------------------------|--------------------------------------|
| (1. Canada. No. 717.) | (4. Union of South Africa. No. 492.) |
| (2. Australia. No. 417.) | (5. Newfoundland. No. 208.) |
| (3. New Zealand. No. 299.) | |

Downing Street, 18 October, 1912.

[Sir] [My Lord],

With reference to my despatch [(1. No. 95.) (2. No. 58.) (4. No. 61.) (5. No. 27.) of the 9th of February*] [2. your despatch, No. 33, of the 29th of February†] and previous correspondence, I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that, doubt having arisen as to the interpretation to be placed on Articles 1 and 8 of the Anglo-Japanese Commercial Treaty of 1911, the matter has formed the subject of negotiations between His Majesty's Government and the Japanese Government, and the following interpretation has been agreed upon by the two Governments:—

"The provisions of Article 1 do not interfere with any immigration legislation of either of the Contracting Parties that does not differentiate against the subjects of the other Contracting Party as compared with the subjects or citizens of the most favoured nation.

"Article 8 mentions the 'United Kingdom' and 'Japan' by name, while the other clauses of the Treaty generally refer to the 'High Contracting Parties.' It is understood therefore that the provisions of Article 8 do not apply to any of His Britannic Majesty's Dominions, Colonies, Possessions, or Protectorates beyond the Seas to which the Treaty has been or may be made applicable under the provisions of Article 26."

I have, &c.,
L. HARCOURT.

33246

No. 306.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21 October, 1912.)

[Answered by No. 377.]

(No. 550.)

Government House, Ottawa, 10 October, 1912.

Sir,

I HAVE the honour to transmit, herewith, for your information, copies of an approved minute of the Privy Council for Canada on the subject of the treatment accorded Canadians desirous of obtaining patents of invention and trade mark rights in Japan.

I have, &c.,
C. FITZPATRICK,
Deputy Governor-General.

Enclosure in No. 306.

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Deputy Governor-General on the 7th October, 1912.

(P.C. 2721.)

The Committee of the Privy Council have had before them a memorandum, dated 18th June, 1912, from the Secretary of State for External Affairs representing that complaints have been received by Your Royal Highness's Advisers from Canadians desirous of obtaining patents of invention and trade mark rights in Japan, of the treatment accorded to them in respect of these matters by the Japanese authorities.

* 3307: not printed.

† 10691: not printed.

The Minister submits that since the expiry on the 17th July, 1911, of the Treaty of the 31st January, 1906, regulating the commercial relations between Canada and Japan, Canadian subjects of His Majesty, in so far as patents and trade marks are concerned, have become subject to the requirement of Japanese law which exacts from aliens not enjoying the benefits of Treaty stipulations the possession of a domicile or place of business in Japan as a condition necessary to obtaining patent or trade mark rights.

The Minister points out that the terms of the Japanese law are not so favourable as those of the Canadian laws on these subjects, which do not discriminate against aliens—the latter having the same rights and privileges in regard to these matters as have Canadian citizens.

The Minister is of opinion that it would be expedient to approach the Japanese Government in order to obtain for Canadians, if possible, treatment in respect of patents and trade marks at least reciprocal to that granted to Japanese subjects, in common with other aliens, under Canadian law.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to transmit a copy hereof, together with copies of the Canadian Acts relating to patents and trade marks submitted herewith, to the Right Honourable the Principal Secretary of State for the Colonies, with the request that His Majesty's Government will cause such representations in the matter to be made to the Japanese Government as may seem best fitted to obtain the more favourable treatment desired for Canadian inventors and proprietors of trade marks.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

29591

No. 307.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 357.]

SIR, Downing Street, 23 October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of September,* respecting the proposed extradition treaty between the United Kingdom and Japan.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that, subject to the following remarks, Mr. Harcourt concurs in the draft of a despatch which it is proposed to address to His Majesty's Ambassador at Tokio on the subject.

3. In the first place it would be more in harmony with recent precedent if, in the Article (No. 19) referring to the Colonies, in place of "Colonies and Foreign Possessions" the phrase "Dominions, Colonies or Possessions" were used. I am also to point out that in the third paragraph of that Article the term "his Government" is ambiguous. It is, of course, intended to refer to the Imperial Government, but in the case of a Governor of a self-governing Colony the term would normally mean his Ministers, and not the Imperial Government. The wording, therefore, should, in Mr. Harcourt's opinion, be altered to read "or to refer the matter to the Imperial Government."

4. In connection with this Article I am to point out that the Japanese draft omits the words "so far as the laws in such Colonies . . . will allow," which appeared in the British draft. These words are usually employed in extradition treaties, though they were omitted in the treaty with Greece (see Foreign Office, 16th November, 1909, and Colonial Office, 10th December, 1909).† It is open to doubt whether, as the extradition law for the whole Empire except Canada is the same (and in Canada there is little substantial difference), the omission has any practical effect, but they do appear to safeguard the position of the self-governing Dominions as regards the application of the treaty, and Mr. Harcourt would be glad if Sir Edward Grey can procure their reinstatement.

5. The difficulty referred to with regard to Article II, which requires that application for provisional arrests should be made through the diplomatic channel,

* 29591: not printed.

† 37625/09: not printed.

would also occur in a slightly modified form in the oversea Dominions, in which, under the terms of Article 19, an application for provisional arrest would in each case have to be made to the Governor and not to the police authorities or a magistrate, with the result that delay might in certain cases eventuate.

6. With regard to the last paragraph of Article 1 of the draft, I am to invite Secretary Sir Edward Grey's attention to the correspondence with the German Ambassador which was communicated to Mr. Harcourt in the letter from your Office of the 18th of July, 1912,* and from which it appears that, in Sir Edward Grey's opinion, no legal authority exists for the surrender to other Powers of persons, even British subjects, who commit offences in places where His Majesty exercises extra-territorial Consular jurisdiction. In the letter from the Home Office of the 2nd of September, a copy of which accompanied your letter under reply,† it is stated that Mr. McKenna has no objection to the last paragraph of the Article, but the ground adduced, namely, that His Majesty's Government are empowered to surrender a fugitive who may have committed an offence within the extra-territorial jurisdiction of the Japanese Government and to have fled to His Majesty's dominions, would not appear to cover the whole of the ground which is touched on in the last paragraph of the Article, and it would seem, therefore, necessary that the extent of that paragraph should be reconsidered.

7. I am to add that as soon as the treaty is in its final form Mr. Harcourt would be glad to receive copies of it in order that he may communicate it, before it is signed, to the self-governing Dominions, with a request for a telegraphic intimation as to whether or not they desire that the treaty should be applied to the Dominion. Mr. Harcourt considers that this mode of procedure is preferable to the insertion of a formal clause of the usual Colonial type, and he hopes that if the Dominion Governments are consulted beforehand they will be prepared to accept the treaty.

I am, &c.,
H. W. JUST.

33740

No. 308.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26 October, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister, Athens, dated October 16, on the subject of the termination of the Anglo-Greek Commercial Treaty in respect of Papua.

Reference to previous letter: from Colonial Office, September 20, 1912.‡

Foreign Office,
October 25, 1912.

Enclosure in No. 308.

(Commercial. No. 73.)

Athens, 16 October, 1912.

SIR, WITH reference to your despatch, Treaty No. 29, of the 8th instant, I have the honour to transmit to you herewith copy of a note which I have to-day addressed to the Minister for Foreign Affairs, notifying the Greek Government of the desire of His Majesty's Government to terminate the Anglo-Greek Commercial Treaty of the 10th November, 1886, in respect of the Colony of Papua.

I have, &c.,
F. ELLIOT.

The Right Honourable
Sir Edward Grey, Bart, K.G.,
&c., &c., &c.

* 29529: not printed.

† 29591: not printed.

‡ No. 289.

MONSIEUR LE MINISTRE,

Athens, 16th/3rd October, 1912.

IN accordance with Clause 4 of the Anglo-Greek Declaration of the 10th/23rd November, 1904, I have the honour to notify to Your Excellency that His Majesty's Government desire to terminate the Anglo-Greek Commercial Treaty of 10th (22nd) November, 1886, in respect of the Colony of Papua (British New Guinea), which will therefore cease to be operative as far as that Colony is concerned twelve months after the date of the present notification.

His Excellency

Monsieur Coromilas,

Minister for Foreign Affairs,

&c., &c., &c.

I have, &c.,

F. ELLIOT.

34053/A

No. 309.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 October, 1912.)

[Answered by No. 330.]

SIR,

Foreign Office, October 28, 1912.

WITH reference to your letter No. 31870/1912, of the 10th instant,* respecting the position of Papua under certain Commercial Treaties, I am directed by Secretary Sir E. Grey to state to you, in explanation of his despatch to His Majesty's Minister in Mexico, a copy of which was sent to you in the letter from this Department of the 8th instant,† that paragraph 3 of your letter of the 20th ultimo‡ was understood to mean that the *notes* providing for the withdrawal of Papua from the Anglo-Mexican Treaty of 1888 should be exchanged forthwith, not that the *withdrawal* itself should take place forthwith. I am further to observe that, as Mr. Harcourt is aware, the customary notice in such cases is a year, but that if the Mexican Government agree to the arrangement proposed the interval will amount to less than six months in the present case.

With regard to the Convention with Egypt, I am to state that the list of British Colonies and Protectorates acceding to the Convention which was published in Treaty Series, No. 18, 1909, was that furnished to this Office in your letter of the 4th March, 1909,§ as revised afterwards in your letters of the 5th and 10th June of the same year.||

As this list was not communicated to the Egyptian Government, the fact that Papua was omitted from it does not affect the question so far as the Egyptian Government is concerned, and that Colony must therefore apparently be regarded as covered by the Convention of 1889.

In these circumstances I am to state that, in accordance with the desire of the Australian Commonwealth that Papua should cease to be bound by any treaty which has ceased to be applicable to Australia, His Majesty's representative in Cairo will be instructed to notify to the Egyptian Government the withdrawal of Papua from the Convention of 1889, in accordance with the terms of the Agreement of December 16th, 1907.

I am, &c.,

A. LAW.

33246

No. 310.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 315.]

SIR,

Downing Street, 1 November, 1912.

WITH reference to your letter of the 26th August last,¶ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, a copy of a despatch** from the Deputy Governor-General of Canada, on the subject of the treatment of Canadians desirous of obtaining patent and trade mark rights in Japan.

* No. 304. † No. 280. ‡ No. 286. § 2605: not printed. ¶ 18376 and 18375: not printed. ** No. 306.

2. It will be observed that the Canadian Government base their request for more favourable treatment of Canadian British subjects on the ground that the Canadian law makes no discrimination against aliens. It is evident, however, that they have overlooked Mr. Chamberlain's circular despatch of the 2nd December, 1899,* a copy of which is enclosed, otherwise they would have made their request as of right.

3. In view of the interest which the Canadian Government are taking in the matter, Mr. Harcourt would be obliged, should a further report not yet have been received from His Majesty's Ambassador at Tokio, if he could be asked by telegram to state how the matter now stands.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

34759

No. 311.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4 November, 1912.)

(No. 154.)

SIR,

Wellington, 26th September, 1912.

WITH reference to your despatch, No. 203, of the 10th July,† forwarding copy of a despatch from His Majesty's Ambassador at Vienna and a memorandum from the Austro-Hungarian Ministry for Foreign Affairs, on the subject of the withdrawal of the self-governing Dominions from the Commercial Treaty of 1876, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister on the subject.

I have, &c.,

ISLINGTON,

Governor.

Enclosure in No. 311.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 20th September, 1912.

The Prime Minister presents his compliments, and in returning G.H. No. 670, begs to acquaint His Excellency that the Government of New Zealand will carefully consider the question of the determination, so far as New Zealand is concerned, of the Commercial Treaty with Austria-Hungary of the 5th December, 1876, and will instruct the High Commissioner for New Zealand to act as their representative, who, in conjunction with His Majesty's Secretary of State for Foreign Affairs, or His Majesty's Ambassador at Vienna, will be empowered to negotiate for New Zealand, through His Majesty's Government, a new Commercial Treaty with Austria-Hungary should the New Zealand Government decide upon the determination of the present Treaty.

W. F. MASSEY,

Prime Minister.

35166

No. 312.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7 November, 1912.)

[Answered by No. 326.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of

* 30482/99: not printed.

† No. 255.

State for Foreign Affairs to transmit the accompanying copy of a despatch which has been received from His Majesty's Minister at Christiania, relative to the withdrawal of His Majesty's Colonies from treaties.

The Secretary of State would be glad to be advised what answer should be returned to Mr. Findlay.

Reference to previous letter: To Colonial Office, January 5th, 1912.*

Foreign Office,

6th November, 1912.

Enclosure in No. 312.

(No. 89. Commercial.)

SIR,

Christiania, 30th October, 1912.

In accordance with the instructions contained in your despatch, No. 1, Commercial, of the 5th of January last, I lost no time in submitting to the Norwegian Government, for their acceptance, the draft Protocol enclosed in your despatch above mentioned, according to which liberty should be reserved to certain of His Majesty's Dominions to withdraw from the Commercial Treaty concluded between Great Britain and Norway on March 18th, 1826.

I at the same time explained the reasons which have prompted His Majesty's Government to raise this question.

At frequent intervals I have reverted to this subject in conversation with the Norwegian Minister for Foreign Affairs, and have at last obtained an answer, copy of which I have the honour to enclose.

You will observe that in this Note Mr. Irgens states that the Norwegian Government are quite disposed to conclude a Convention of the nature of the draft Protocol enclosed in your despatch, but that they suggest an alteration in the text, the object of which is evidently, *inter alia*, to safeguard their important shipping interests.

You will observe that an arrangement of this nature must be submitted to the approval of the Storting, which meets in January next.

As the Norwegian Government have now accepted in principle the conclusion of the proposed arrangement, I will now act on the instructions contained in your despatch, No. 5, Commercial, of February 3rd last, and will explain to them the position of Papua and Norfolk Island.

I should be glad to be informed whether the alteration in the text of the draft Protocol proposed by the Norwegian Government is acceptable to His Majesty's Government.

I have, &c.,

M. DE C. FINDLAY.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P.,

&c., &c., &c.

Mr. IRGENS to Mr. FINDLAY.

Ministère des Affaires Etrangères,

Kristiania, le 29th October, 1912.

MONSIEUR LE MINISTRE,

PAR votre lettre en date du 15 janvier dernier vous avez bien voulu, au nom de votre Gouvernement, me demander si la Norvège serait disposée à signer une déclaration conforme à un projet annexe à la dite lettre, et ayant pour but de réserver à certaines possessions britanniques la faculté de faire cesser séparément les effets du traité de commerce et de navigation conclu entre la Norvège et la Grande Bretagne le 18 mai, 1826.

En réponse j'ai l'honneur de porter à votre connaissance que le Gouvernement Norvégien est tout disposé à signer une convention comme celle attachée à votre dite lettre à condition toutefois que son alinéa: "Nevertheless the goods produced in foreign country" soit remplacé par un alinéa de la teneur suivante:

"Néanmoins, pour tout ce qui concerne le commerce et la navigation, chacune des dites possessions britanniques et la Norvège s'engagent à se traiter mutuellement comme la nation la plus favorisée jusqu'à la conclusion d'un nouveau traité

* No. 247 in Dominions No. 39.

réglant leurs relations mutuelles de commerce et de navigation ou jusqu'à l'expiration de douze mois après que l'une des deux parties aura exprimé à l'autre son désir de faire cesser le traitement de la nation la plus favorisée convenu dans cet alinéa."

J'espère que votre Gouvernement voudra bien accepter cet amendement auquel le Gouvernement Norvégien et les cercles intéressés de ce pays attachent de l'importance.

Une déclaration relative à cette matière doit, avant sa mise en vigueur pour ce qui concerne la Norvège être soumise à l'approbation du Storting, qui se réunira au mois de janvier prochain.

Veuillez agréer, &c.,

J. IRGENS.

Monsieur Findlay,

Ministre de sa Majesté Britannique,

&c., &c., &c.

31870

No. 313.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 449.)

Downing Street, 6 November, 1912.

MY LORD,

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 153, of the 27th of July,* on the subject of the position of Papua and Norfolk Island under certain commercial treaties.

2. In reply I have to request you to inform your Ministers that His Majesty's Representatives at Athens, Buenos Ayres, Cairo, and Monrovia, have been instructed to give notice to the Governments to which they are accredited of the termination, with effect from twelve months after the date of the notification, of the application of the treaties with Greece, Paraguay, Egypt, and Liberia to the territory of Papua. Instructions have also been sent to His Majesty's Minister at Mexico instructing him to arrange for the cessation of the application of the Anglo-Mexican Treaty to Papua.

3. It will be seen from the enclosed copy of the Note† addressed to the Greek Government by His Majesty's Minister at Athens that the Treaty with Greece will cease to be applicable to Papua as from the 16th October, 1913. I shall inform you later of the date when the termination of the other treaties will take effect.

I have, &c.,

L. HARCOURT.

35416

No. 314.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9 November, 1912.)

[Copy to Board of Trade, 18 November, 1912. L.F.]

[Answered by No. 335.]

(No. 215.)

Governor-General's Office, Melbourne, 30th September, 1912.

SIR,

REFERRING to your despatch, No. 306, dated 19th July last,‡ transmitting two copies of the Protocol signed at Paris on the 6th idem, securing to His Majesty the right to terminate the Additional Articles of the Anglo-French Treaty of 1826 in respect of the self-governing Dominions other than Canada, I have the honour to inform you that it is desired by the Commonwealth Government that notice of withdrawal from the Additional Articles of the Treaty in question be given on behalf of the Commonwealth and also of Norfolk Island and Papua.

I have, &c.,

DENMAN,

Governor-General.

* No. 280.

† Enclosure in No. 308.

‡ No. 260.

35569

No. 315.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 November, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a telegram to His Majesty's Chargé d'Affaires, Tokio, No. 53, November 8, on the subject of the treatment of Canadians who desire trade mark or patent rights in Japan.

Reference to previous letter: Colonial Office, No. 33246/12, of November 1, 1912.*
Foreign Office,
November 9, 1912.

Enclosure in No. 315.

TELEGRAM to Mr. RUMBOLD, Tokio.

Foreign Office, November 8, 1912.

No. 53. My despatch, No. 141 (of August 24). How does the matter stand?

34759

No. 316.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

SIR, Downing Street, 14 November, 1912.
WITH reference to the letter from this Department of the 18th September,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey], [the Board of Trade], a copy of a despatch‡ from the Governor of New Zealand, relative to the question of the determination, so far as that Dominion is concerned, of the Commercial Treaty with Austria-Hungary of the 5th December, 1876.

A copy of the despatch has also been sent to the [Board of Trade] [Foreign Office].

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

36166

No. 317.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16 November, 1912.)

[Answered by No. 378.]

SIR, Foreign Office, November 15, 1912.
WITH reference to the letter from this Department of the 5th instant,§ respecting the question of the adhesion of Canada to the Anglo-Japanese Commercial Treaty of 1911, I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that Monsieur Koiké, of the Japanese Embassy, called at this Office on the 9th instant on behalf of Baron Kato, to say, on instructions from his Government, that the latter very much hoped that, for the reasons already given by Sir C. MacDonald, His Majesty's Government would use their influence to urge the Dominion Government to adhere to the Treaty.

I am, &c.,
W. LANGLEY.

* No. 310.

† No. 288.

‡ No. 311.

§ 35121: not printed.

36376

No. 318.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18 November, 1912.)

(No. 227.)

Governor-General's Office, Melbourne.

SIR, 16th October, 1912.
REFERRING to your despatch, No. 290, dated 10th July last,* relative to the question of the withdrawal of the Commonwealth from the Commercial Treaty of 1876 between the United Kingdom and Austria-Hungary, I have the honour to inform you that the reply which was furnished to you in the case of the Anglo-Italian Treaty of Commerce of 1883, vide my despatch, No. 154, dated 27th July last,† applies also to the Treaty now under reference.

I have, &c.,
DENMAN,
Governor-General.

35416

No. 319.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 325.]

SIR, Downing Street, 18 November, 1912.
WITH reference to your letter of the 10th July,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of a despatch§ from the Governor-General of the Commonwealth of Australia, stating that the Commonwealth Government desire that notice of withdrawal from the Additional Articles of the Anglo-French Treaty of 1826 may be given in respect of the Commonwealth and also of Norfolk Island and Papua.

2. Mr. Harcourt will be glad if Sir E. Grey will cause the necessary steps to be taken to comply with the wishes of the Commonwealth Government.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

36594

No. 320.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20 November, 1912.)

[Answered by No. 326.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a despatch which has been received from His Majesty's Chargé d'Affaires at Christiania on the subject of the position of His Majesty's Colonies in regard to the Anglo-Norwegian Commercial Treaty of 1826.

The Secretary of State would be glad to be advised what answer should be returned to Mr. Lindley.

Reference to previous letter: To Colonial Office, November 6th, 1912.||

Foreign Office,
19th November, 1912.

* No. 255.

† No. 281.

‡ Transmitting enclosure in No. 260.

§ No. 314.

|| No. 312.

Enclosure in No. 320.

(No. 91. Commercial.)

SIR, Christiania, 7th November, 1912.
 WITH reference to Mr. Findlay's despatch, No. 89, Commercial, of the 30th ultimo, I have the honour to transmit, herewith, copy of a Note from the Norwegian Government on the subject of the possible withdrawal of Papua and Norfolk Island from the effects of the Anglo-Norwegian Treaty of Commerce of 1826.

It will be observed that the Norwegian Government desire to make the power of withdrawal mutual and not the sole prerogative of His Majesty's Government. There appears to be no provision for mutual denunciation in the draft Protocol regarding the Dominions, enclosed in your despatch No. 1, Commercial, of January 5th last, nor have the Norwegians raised this point in their reply, which was forwarded to the Foreign Office in Mr. Findlay's despatch, No. 89, Commercial. It does not, therefore, appear logical that the faculty should be mutual in the case of Papua and Norfolk Island, but I will not call Mr. Irgens's attention to this point until I learn the views of His Majesty's Government. It may be that the power of denunciation to be accorded to the Dominions may be held to imply a similar power on the part of the other contracting party.

I have, &c.,

FRANCIS O. LINDLEY.

The Right Honourable
 Sir E. Grey, Bart., K.G., M.P.,
 &c., &c., &c.

Mr. IRGENS to Honourable F. O. LINDLEY.

MONSIEUR LE CHARGÉ D'AFFAIRES, Ministère des Affaires Etrangères, Kristiania, le 6 Novembre, 1912.
 PAR votre lettre du 31 du mois passé, relative à la déclaration projetée en vue de réserver à certaines possessions britanniques la faculté de faire cesser séparément les effets du traité de commerce et de navigation conclu entre la Norvège et la Grande Bretagne le 18 mai 1826, vous avez bien voulu m'informer du désir du Gouvernement Britannique que l'alinéa suivant soit ajouté à la déclaration proposée dans votre lettre du 15 janvier dernier:

"It is further agreed that, should the said Treaty cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by the Government of His Britannic Majesty."

Pour donner suite à ce désir j'ai l'honneur de porter à votre connaissance qu'il n'y a pas d'objection de la part du Gouvernement norvégien à ce qu'un tel alinéa soit ajouté à la déclaration, à la condition toutefois que la dernière phrase de cet alinéa soit rédigée de la manière suivante:

"If so desired by either of the contracting parties."

En exprimant l'espoir que votre Gouvernement voudra bien accepter cette modification je vous prie etc.,

Monsieur Lindley,
 Chargé d'Affaires Britannique,
 &c., &c., &c.

J. IRGENS.

36767

No. 321.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 November, 1912.)

[Answered by No. 324.]

SIR, Foreign Office, November 20, 1912.
 WITH reference to the letter from this Department of the 9th instant,* respecting the treatment of Canadian-born British subjects who desire to obtain

* No. 315.

patent and trade mark rights in Japan, I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that he has received from His Majesty's Chargé d'Affaires at Tokio the reply to his enquiry as to the present position of the question.

Mr. Rumbold states that the Japanese authorities have temporarily rejected the Indian application, which is presumably on all fours with that of the Canadian firms, and now demand a birth certificate. He adds that if, in the event of this birth certificate being produced to the Secretary of State, he could certify that the applicants had "full and perfect status of British subjects," the question would be settled.

Sir E. Grey proposes, in view of the opinion of the Law Officers in 1911,* and subject to the concurrence of Mr. Harcourt, to inform Mr. Rumbold that he is prepared to make this declaration.

I am, &c.,

W. LANGLEY.

36166

No. 322.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 20 November, 1912. L.F.]

[Answered by No. 372.]

(Secret.)

SIR,

Downing Street, 20 November, 1912.

IN continuation of my despatch secret of the 11th of November,† I have the honour to request Your Royal Highness to inform your Ministers that M. Koiké, of the Japanese Embassy, called at the Foreign Office on behalf of Baron Kato on the 9th instant, to say, on instructions, from his Government, that the latter very much hoped that, for the reasons given by Sir C. MacDonald, the Government of the Dominion could see their way to concur in the application to Canada of the Anglo-Japanese Commercial Treaty of 1911.

2. I have no doubt that your Government will give the fullest consideration to the wishes of the Japanese Government in this matter.

I have, &c.,

L. HARCOURT.

36375

No. 323.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

SIR,

Downing Street, 25 November, 1912.

WITH reference to the letter from this Department of the 14th instant,‡ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey] [the Board of Trade], a copy of a despatch§ from the Governor-General of the Commonwealth of Australia, relative to the question of the position of the Commonwealth in respect of the Commercial Treaty of 1876 between the United Kingdom and Austria-Hungary.

A copy of the despatch, No. 154, of the 27th July,|| to which the Governor-General refers, was enclosed in the letter from this Department of the 26th September.¶

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

* No. 137 in Vol. VII. of Law Officers' Opinions.
 ‡ No. 316. § No. 318. ¶ No. 281.

† 35121 not printed.
 ‡ No. [292] [293].

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 346.]

SIR,

Downing Street, 29 November, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 20th of November,* on the subject of the treatment of Canadian and Indian British subjects who desire to obtain patent and trade mark rights in Japan.

2. It does not appear from your letter what action has been taken with regard to the Canadian applications, and Mr. Harcourt would be glad to receive information on this point.

3. In the case of Indian applicants it appears that the Japanese Government only demand a birth certificate, but that it is proposed by His Majesty's Chargé d'Affaires that a certificate should be given by the Secretary of State that the applicants have the full and perfect status of British subjects. Mr. Harcourt does not gather clearly whether it is proposed that the birth certificate should be produced to the Secretary of State and not to the Japanese Government, the latter being furnished only with the certificate of the Secretary of State, but he would be glad to have definite information on this point also.

4. It would appear that in certain cases a certificate of birth, whether in the case of a Canadian or an Indian applicant, would not be adequate evidence of nationality, as, for instance, in cases where British nationality rests on descent and not on birth within His Majesty's Dominions, or in cases in which, when the proposed Imperial Naturalization Bill becomes law, an Imperial certificate of naturalization, and not birth, would be the basis of an applicant's nationality.

5. Moreover, in some Canadian cases, and still more probably in Indian cases, it may not be possible for the applicants to produce certificates of birth, but Mr. Harcourt assumes that Sir Edward Grey has been in communication with the Secretary of State for India on this point, and he would be glad to receive in due course an intimation of the views of Lord Crewe on the question, as it will probably be necessary to take the same action in the case of British Canadian subjects as is taken in the case of British Indian subjects, if proof of British nationality is demanded from the former as well as from the latter.

I am, &c.,
H. W. JUST.

38336

No. 325.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 December, 1912.)

[Copy of enclosure to Board of Trade, 20 December, 1912. L.F.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch† forwarded by His Majesty's Chargé d'Affaires, Paris, dated November 28, on the subject of the withdrawal of Australia from the Additional Articles of the Anglo-French Commercial Treaty of 1826.

Reference to previous letter: From Colonial Office, November 18 (34516/12).‡

Foreign Office,

December 3, 1912.

Enclosure in No. 325.

Mr. CARNEGIE to Monsieur POINCARÉ.

MONSIEUR LE MINISTRE,

Paris, November 28th, 1912.

THE Government of the Commonwealth of Australia have informed His Majesty's Government of their desire to terminate the Additional Articles of the Anglo-French Commercial Treaty of 1826 in respect of the Commonwealth, Norfolk Island, and Papua.

* No. 321.

† Enclosure thereto only printed.

‡ No. 313.

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to give notice to the French Government on behalf of the Government of the Commonwealth, of their withdrawal from those Articles of the Treaty of 1826, in accordance with the terms of the Protocol signed by Your Excellency and Sir Francis Bertie on July 6th last, providing for the termination of the Additional Articles of the above-mentioned Treaty in respect of certain of His Majesty's self-governing Dominions.

I have, &c.,
L. D. CARNEGIE.

36594

No. 326.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 347.]

SIR,

Downing Street, 3 December, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 6th of November and of the 19th of November,* on the subject of the draft Protocol to regulate the position of the self-governing Dominions with regard to the treaty between the United Kingdom and Norway of 1826.

2. Sir Edward Grey will, doubtless, agree with Mr. Harcourt that His Majesty's Government could not in any case accept, as it stands at present, the proviso proposed by the Norwegian Government in Mr. Irgens's Note of the 29th October. The acceptance of the proposal of the Norwegian Government would imply that, in the absence of express stipulations to the contrary, British subjects belonging to a self-governing Dominion to which the treaty had ceased to be applicable would not be entitled to any of the privileges conferred by the treaty on British subjects in respect of commerce and navigation, which is, of course, contrary to the position adopted by His Majesty's Government on the advice of the Law Officers.

3. So far as navigation is concerned, Mr. Harcourt recognises that the treaty of 1826 has no clause, corresponding to that inserted in recent treaties in which a definition of British ships is given, wide enough to include ships registered in the self-governing Dominions, and that it might, therefore, be possible for the Norwegian Government, even if they accepted the general position of His Majesty's Government in the matter, to contend that British ships registered in self-governing Dominions to which the treaty had ceased to be applicable were not entitled to most-favoured-nation treatment in matters of navigation.

4. He is, however, anxious to avoid, if possible, the extension to Norway of the discussion now proceeding with Switzerland of the question of the position under a commercial treaty of British subjects belonging to a self-governing Dominion to which the treaty has ceased to be applicable, and he would, therefore, be glad if His Majesty's Chargé d'Affaires at Christiania could be instructed to endeavour to induce the Norwegian Government to withdraw their proposal without indicating the grounds on which His Majesty's Government take exception to it. It is suggested that this result might be attained if the Norwegian Government were informed that the Swedish Government have already accepted without question or qualification a Protocol in the same form as that submitted to the Norwegian Government, but that, if the Norwegian Government feel any difficulty in accepting the proviso proposed by His Majesty's Government, His Majesty's Government are quite willing that the Protocol should provide merely for the power to terminate, and that further, if such an alteration would facilitate matters, they would have no objection to the power to terminate being made reciprocal, not only in respect of Papua and Norfolk Island, but also in respect of the self-governing Dominions, and that in these circumstances His Majesty's Government would suggest that the Norwegian Government should accept a Protocol in the (revised) form which has been adopted by Denmark (*vide* your letter of the 7th June).†

I am, &c.,
H. W. JUST.

* Nos. 312 and 320.

† 17564: not printed.

36594

No. 327.

COLONIAL OFFICE to BOARD OF TRADE.

Sir, Downing Street, 3 December, 1912.
With reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, the accompanying copy of correspondence* with the Foreign Office on the subject of the position of the self-governing Dominions with regard to the Treaty with Norway of 1826.

I am, &c.,
H. W. JUST.

38540

No. 328.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 6 December, 1912.)

[Answered by No. 349.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from Mr. Stronge (Mexico), No. 151, Commercial, dated November 12, 1912, on the subject of the withdrawal of the Transvaal, Orange River Colony, and Papua from the Anglo-Mexican Commercial Treaty of 1888.

Reference to previous letter: From Colonial Office, September 25, 1912.†
Foreign Office,
December 5, 1912.

(Similar letter sent to Board of Trade.)

Enclosure in No. 328.

(Commercial. No. 151.)

Sir, Mexico, November 12th, 1912.
With reference to your despatch, No. 20, Commercial, of the 8th ultimo, stating that His Majesty's Government are desirous of proceeding at once with the termination of the Anglo-Mexican Commercial Treaty of 1888, in so far as regards the Transvaal, the Orange River Colony, and Papua, I have the honour to report that I ascertained from the Mexican Government that they would have no objection to the withdrawal of the aforesaid Colonies from the Treaty on the 13th of April next.

I accordingly forwarded to the Mexican Minister for Foreign Affairs, on the 8th instant, under No. 199, the Note of which the draft was enclosed in your above-mentioned despatch, and I beg to transmit herewith copy and translation of his reply,‡ confirming the intimation he had previously given to me that the Mexican Government agreed to the withdrawal from the Treaty of the Colonies in question, as from the 13th of April, 1913.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

P.S.—I also enclose copy of a further Note which I have thought it advisable to address to the Mexican Government in confirmation of the above agreement.
F. S.

* Nos. 312, 320 and 336.

† No. 291.

‡ Translation only printed.

MEXICAN GOVERNMENT to Mr. STRONGE.

(Translation. No. 2594.)

M. LE MINISTRE, Mexico, November 11th, 1912.
In reply to Your Excellency's Note, No. 199, of the 8th instant, respecting the desire of Your Excellency's Government that the Transvaal, the Orange River Free State Provinces of the Union of South Africa, and the Colony of Papua should withdraw from the Treaty of Friendship, Commerce, and Navigation concluded with Mexico on the 27th of November, 1888, I have the honour to inform Your Excellency, so that you may, in turn, inform His Majesty's Government, that the Mexican Government agree to the aforesaid withdrawal, which shall be considered as taking effect from the 13th of April of next year, 1913.

I have, &c.,
PEDRO LASCURAIN.

To His Excellency
Francis Stronge,
&c., &c., &c.

Mr. STRONGE to MEXICAN GOVERNMENT.

(No. 207.)

M. LE MINISTRE, Mexico, November 12th, 1912.
I HAVE the honour to acknowledge the receipt of your note, No. 2804, of the 11th instant, and observe with pleasure that Your Excellency's Government have agreed to the withdrawal of the Transvaal, the Orange River Colony, and Papua from the Anglo-Mexican Commercial Treaty of November 27th, 1888, on April 13th, 1913, thus synchronising with the date of withdrawal from the same Treaty of Natal.

I avail myself, &c.,
FRANCIS STRONGE.

His Excellency
Pedro Lascurain,
&c., &c., &c.

36375

No. 329.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 338.]

Sir, Downing Street, 6 December, 1912.
With reference to the letter from this Office of the 26th of September,* I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that his attention has been called to the terms of the Memorandum from the Italian Government of the 24th of December, 1911, a copy of which was enclosed in your letter of the 18th of January† on the subject of the application to the self-governing Dominions of the Anglo-Italian Treaty.

2. It occurs to Mr. Harcourt that this Memorandum may have given the Government of the Commonwealth the impression that His Majesty's Government had suggested to the Italian Government that the withdrawal of a self-governing Dominion from the Italian Treaty should be followed by an arrangement based on reciprocal most-favoured-nation treatment. Mr. Harcourt assumes, however, that the Memorandum from His Majesty's Ambassador did not go beyond the instructions which were conveyed to him, and which were to propose that after the Treaty had ceased to be applicable to a self-governing Dominion, goods the produce or manufacture of that Dominion should receive most-favoured-nation treatment in Italy so long as Italian goods received most-favoured-nation treatment in the Dominion.

3. Mr. Harcourt will, however, be glad to receive a copy of the Ambassador's Memorandum, in order that, if it were not correctly understood, he may explain matters to the Commonwealth Government.

I am, &c.,
H. W. JUST.

* No. 293.

† No. 249 in Dominions No. 39.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 342.]

SIR,

Downing Street, 11 December, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 22nd of November,* regarding the position of the self-governing Dominions under the Anglo-Swiss Treaty of 1855.

2. Mr. Harcourt observes that the Swiss Government, while not contesting the view, with regard to the position of the self-governing Dominions to which the Treaty may cease to become applicable, put forward by His Majesty's Government in Sir E. Grey's note of the 5th of October,† consider that the result of a general termination of the Treaty on that basis would be disadvantageous to Swiss citizens, and that they desire, therefore, that the power to terminate the application of the Treaty to the Dominions should be limited to Articles 8, 9, and 10 only.

3. In Mr. Harcourt's opinion, it would be necessary that the proposal of the Swiss Government for a partial termination of the Treaty should be communicated to the self-governing Dominions for the consideration of those Governments, but he does not think that His Majesty's Government could submit it to them in its present form.

4. In the first place, I am to observe that the reference in the Swiss Note‡ to Article 8, appears to be a misunderstanding. As will be seen from the fourth paragraph of the letter from this Office of the 4th of September last,§ the view taken by Mr. Harcourt was that British subjects resident or domiciled in a Dominion to which the Treaty had ceased to be applicable could claim the benefits secured by all the Articles of the Treaty, except those mentioned in Articles 7, 9, and 10. The reference to Article 7 was merely intended to show that, if the Dominion Governments had Consular Services, a Dominion to which the Treaty had ceased to be applicable would not be entitled to have Consuls in Switzerland. This point was not explained to the Swiss Government in the Note of the 5th of October,† and Mr. Harcourt, therefore, presumes that they have supposed that Article 7 was a mistake for Article 8. It would not, however, be possible for His Majesty's Government to accept the view of the Swiss Government that Article 8 stands on the same footing as Articles 9 and 10, since His Majesty's Government would in effect surrender the position which they have adopted, on the advice of the Law Officers of the Crown, if they were to agree that British subjects connected with a Dominion to which the Treaty had ceased to be applicable would have no rights under the terms of that Article.

5. If it is necessary that there should be only a partial termination of the application of the Treaty, Article 8 might, in Mr. Harcourt's opinion, be allowed to continue in operation on the same footing as Articles 1 to 7. He assumes that this additional limitation of the scope of the Agreement would be welcome to the Swiss Government, and so far as he can see, having regard especially to the fact that Switzerland has no merchant marine, and that therefore no rights with regard to navigation pass under Article 8, to retain this Article would not appear to affect any known policy of the self-governing Dominions. The main object of those Governments, throughout the series of negotiations with regard to treaties which has followed the Imperial Conference of 1911, has been to secure to the Dominions freedom in tariff matters, and this would apparently be sufficiently attained by obtaining power to withdraw with respect to Articles 9 and 10.

6. In forming this opinion Mr. Harcourt has not overlooked the fact that Article 10 concedes most-favoured-nation treatment in matters of commerce. In the case of the Treaty with Norway, as will be seen from the letter from this Office of 3rd instant,¶ Mr. Harcourt has taken a different view of Article 9 of that Treaty, where the phrase used is "in matters of trade." But there is, in Mr. Harcourt's opinion, a difference of great importance between the case of Norway and the case of Switzerland, as the second paragraph of Article 1 of the Treaty with Switzerland seems to make it clear that Article 10 of the Treaty has reference only to the treatment of goods.

7. Mr. Harcourt would be glad to learn whether Sir E. Grey concurs with him in thinking that a Protocol on the lines of the enclosed draft would remove all doubt as to the scope of the proposed arrangement, and he would in that event suggest that it should be submitted to the Swiss Government, with an enquiry as to whether it

* Transmittal Nos. 10 and 11 in Dominions No. 50. † No. 10 in Dominions No. 50.
‡ No. 11 in Dominions No. 50. § No. 276. ¶ No. 326.

correctly represents their wishes, and that it should at the same time be explained to that Government that His Majesty's Government must consult the self-governing Dominions before returning a definite reply. In preparing the draft Protocol, it has been assumed that if only Articles 9 and 10 of the Treaty are to be terminated there will be no occasion to embody in the Protocol any stipulations setting up a provisional régime after the termination.

8. On receiving the reply of the Swiss Government Mr. Harcourt proposes to communicate to the self-governing Dominions copies of Mr. Chamberlain's circular despatch of the 2nd of December, 1899,* in which the principles affecting the position of the self-governing Dominions under commercial treaties which are not applicable to those Dominions are dealt with, and a copy of the correspondence which has passed with the Swiss Government, and for the latter purpose I am to request that he may be furnished with copies of the Notes of His Majesty's Minister at Berne, of the 31st of October, 1911,† and of Sir E. Grey's reply to the Note of the Swiss Minister of the 10th of November, 1911.‡ (See Foreign Office letter of the 16th November, and Colonial Office reply of the 25th of November.§)

9. Mr. Harcourt would be glad if the draft of the reply which Sir E. Grey would propose to return to the Swiss Government could be submitted to him in draft form for his concurrence.

I am, &c.,
H. W. JUST.

Enclosure in No. 330.

DRAFT PROTOCOL.

Whereas the commercial relations of the British Empire and the Swiss Confederation are at present regulated by the Treaty of the 6th September, 1855, and whereas it is desirable to make further provision with regard to the application to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, of certain stipulations of the said Treaty relating to the treatment of goods the growth, produce, or manufacture of the territories of the one Contracting Party in the territories of the other.

The Government of His Britannic Majesty and the Federal Council of the Swiss Confederation hereby agree that either of the Contracting Parties shall have the right at any time to terminate Articles IX. and X. of the said Treaty with respect to any or all of the above-mentioned Dominions on giving twelve months' notice to that effect.

It is further agreed that should the said Articles of the said Treaty cease in pursuance of this Protocol to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the Contracting Parties.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13 December, 1912.)

[Copy of enclosure to Board of Trade, 20 December, 1912. L.F.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch|| from His Majesty's Ambassador, Paris, on December 7, relating to His Majesty's Colonies and the Anglo-French Commercial Treaty of 1826.

Reference to previous letter: To Colonial Office, December 3.¶

Foreign Office,
December 12, 1912.

* 30482/29: not printed. † No. 1 in Dominions No. 50. ‡ Nos. 2 and 3 in Dominions No. 50.
§ Nos. 229 and 236 in Dominions No. 39. ¶ No. 325.
|| Enclosure thereto only printed.

Enclosure in No. 331.

Monsieur Poincaré to Mr. Carnegie.

MONSIEUR LE MINISTRE,

Paris, le 30 novembre, 1912.

PAR un office en date du 28 de ce mois, vous avez bien voulu me faire connaître que le gouvernement britannique, usant de la faculté qui lui est reconnue par le Protocole signé entre les deux gouvernements le 6 juillet dernier, désirait mettre un terme à l'application des articles additionnels du traité de commerce anglo-français de 1826 en ce qui concerne le Commonwealth d'Australie ainsi que les îles Norfolk et Papua.

J'ai l'honneur de vous donner acte, au nom du gouvernement de la République, de cette dénonciation des articles additionnels du traité de 1826 par rapport à l'Australie et les îles Norfolk et Papua.

En conséquence, aux termes du protocole du 6 juillet 1912, ces articles additionnels ne seront plus en vigueur pour régler les rapports de la France et de l'Australie (y compris Norfolk et Papua) que jusqu'au 28 novembre 1913.

Agréez, &c.,

R. POINCARÉ.

39552

No. 332.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14 December, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Representative at Bogota, dated November 9th, respecting the Commercial Treaty with Colombia, with enclosure. The Protocol will now be laid in the Treaty Series.

Reference to previous letter: Colonial Office, October 5 (31053/1912).*

Foreign Office,

December 13, 1912.

Enclosure in No. 332.

(No. 6. Treaty.)

Sir,

British Legation, Bogotá, November 9th, 1912.

In my despatch, No. 17, Commercial, of August 21st, I had the honour to enclose the Protocol† which I had signed with the Minister for Foreign Affairs for enabling the self-governing Dominions to withdraw from the Anglo-Colombian Treaty of 1866.

The Protocol has been approved by the Chambers, and has received the assent of the President. It has now been published in the *Diario Oficial* of October 30th,‡ copies of which I have the honour to enclose.

I have, &c.,

PERCY C. WYNDHAM.

His Majesty's Principal
Secretary of State for
Foreign Affairs.

38540

No. 333.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 600.)

My Lord,

Downing Street, 13 December, 1912.

With reference to Your Excellency's despatch, No. 86, of the 19th February§ I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of correspondence between His Majesty's Minister in Mexico

* No. 298.

† [C.O. 6523], December, 1912.

‡ Not reprinted.

§ No. 265 in Dominions No. 39. ¶ Sub-enclosures in No. 287 in Dominions No. 39 and in No. 323.

and the Mexican Minister for Foreign Affairs, from which it will be seen that arrangements have been made for the termination, with effect from the 13th April, 1913, of the application of the Anglo-Mexican Treaty of 1888 to the Union of South Africa in respect of the Provinces of Natal, the Transvaal, and the Orange Free State.

I have, &c.,

L. HARCOURT.

38540

No. 334.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 530.)

My Lord,

Downing Street, 13 December, 1912.

With reference to my despatch, No. 449, of the 6th November,* I have the honour to transmit to Your Excellency, for the information of your Ministers, a translation of a note from the Mexican Minister for Foreign Affairs to His Majesty's Minister at Mexico, together with a copy of the reply returned to it,† from which it will be seen that the Mexican Government have agreed to the termination as from the 13th April, 1913, of the application of the Anglo-Mexican Treaty of 1888 to Papua.

I have, &c.,

L. HARCOURT.

39433

No. 335.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade, 20 December, 1912. L.F.]

(No. 539.)

My Lord,

Downing Street, 18 December, 1912.

With reference to Your Excellency's despatch, No. 215, of the 30th of September,‡ I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of notes§ exchanged between His Majesty's Ambassador at Paris and the French Minister for Foreign Affairs on the subject of the termination of the Additional Articles of the Anglo-French Treaty of 1826 in respect of the Commonwealth, Norfolk Island, and Papua.

I have, &c.,

L. HARCOURT.

39552

No. 336.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 869.)

(Union of South Africa. No. 608.)

(Australia. No. 542.)

(Newfoundland. No. 259.)

(New Zealand. No. 382.)

[Sir,]

Downing Street, 19 December, 1912.

[My Lord,]

With reference to my despatch, No. [697] [408] [292] [471] [206] of the 9th of October,|| I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that the Legislature of Colombia approved on the 16th of October the Protocol regarding the application of the Treaty of Commerce

* No. 313.

† See enclosure in No. 328.

‡ No. 314.

§ Enclosures in Nos. 325 and 331.

|| No. 301.

of the 16th February, 1866, to certain parts of His Majesty's Dominions. The Protocol has been signed by the President and published in the *Diario Oficial* of the 30th of October. Steps will now be taken for the publication of the Protocol in this country in a Parliamentary Paper, of which copies will be forwarded to you in due course.

I have, &c.,
L. HARCOURT.

40375

No. 337.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 21 December, 1912.)

[Copies to Board of Trade and Foreign Office, 31 December, 1912. L.F.]

(Confidential.)

Government House, Wellington,

14th November, 1912.

Sir,

With reference to your despatch, Confidential, of the 16th September,* forwarding, for the information of my Ministers, copies of the revised form of the draft Treaty of Commerce and Navigation which is intended to form the basis of future negotiations for general treaties of commerce and navigation undertaken by His Majesty's Government, I have the honour to subjoin a copy of a minute addressed by the Minister of Customs to my Prime Minister on the subject:—

"A copy of this despatch and of the enclosed Model Treaty of Commerce and Navigation has been filed by the Customs Department.

"The terms of this Treaty have in the past been discussed at considerable length by all the self-governing Dominions, but the Home Government has not been able to modify the Treaty to meet the needs of our legislation for immigration restriction and preferential trade with British Possessions. No further comment appears necessary at the present stage of affairs."

I have, &c.,
ISLINGTON,
Governor.

41023

No. 338.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26 December, 1912.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Rome, dated December 17, 1912, on the subject of His Majesty's Colonies and the Anglo-Italian Commercial Treaty.

Reference to previous letter: From Colonial Office, December 6, 1912.†

Foreign Office,

December 24, 1912.

Enclosure in No. 338.

(No. 133. Commercial.)

Sir,

Rome, December 17th, 1912.

As requested in your despatch, No. 122, Commercial, of the 11th instant, I have the honour to transmit herewith a copy of the Memorandum addressed to the Italian Government on November 2nd, 1911, setting forth the proposals of His

* No. 286A.

† No. 329.

Majesty's Government for enabling His Majesty's self-governing Dominions to terminate the Anglo-Italian Commercial Treaty of June 15th, 1883, without impairing the Treaty in respect of the rest of the Empire.

I have, &c.,

RENNELL RODD.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P.,

&c., &c., &c.

MEMORANDUM ADDRESSED TO THE ITALIAN GOVERNMENT ON NOVEMBER 2ND, 1911.

The Treaty which was concluded between the United Kingdom and Italy on June 15th, 1883, is binding not only on the United Kingdom, but also on the following self-governing Dominions of the Empire, viz.: the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and also on the Colony of Newfoundland. These Governments adhered to it specially, but they do not appear to have the power of withdrawing from it apart from the United Kingdom.

In a Note Verbale, dated December 17th, 1909, His Majesty's Embassy enquired whether the Italian Government would be prepared to agree to Australia withdrawing from the Treaty, and in a Note Verbale, dated February 4th, 1910, the Royal Ministry for Foreign Affairs replied that the Italian Government could not recognize such a withdrawal as possible, in view of the wording of the Treaty, and that it must remain dependent on the denunciation of the Treaty by Great Britain. The Italian Ministry for Foreign Affairs at the same time expressed the view that its denunciation would be undesirable in the interests of both countries, a view in which His Majesty's Government concur. Since then His Majesty's Government have had reason to study the whole question of the obligations of the self-governing Dominions of the Empire under existing Commercial Treaties, and more particularly under the Italian Treaty of 1883.

It should be explained that His Majesty's Government have for some years past always, whenever concluding Commercial Treaties with foreign Powers, provided both for the separate adhesion and the separate withdrawal of the various Dominions and Colonies. In these cases, therefore, the Dominions can be set free whenever they so desire. It is only from the older Treaties that the Dominions are unable to withdraw separately. At the Imperial Conference which was recently held in London, and which was attended by the Prime Ministers of the self-governing Dominions, viz.:—Canada, Australia, New Zealand, the Union of South Africa, and the Colony of Newfoundland, a resolution was unanimously passed by the Conference requesting His Majesty's Government to open negotiations with the several foreign Governments having commercial treaties which apply to the overseas Dominions, with a view to securing liberty for any of these Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty as respects the rest of the Empire.

His Majesty's Government are naturally, in the common interests of the United Kingdom and Italy, most unwilling to denounce the existing Treaty entirely, and they therefore recur to the suggestion that it may be possible as an alternative to arrange to give the self-governing Dominions of the Empire that power of independent action which they enjoy under all the Treaties concluded in recent years by His Majesty's Government. The simplest method of attaining this end would probably be found in the signing of a Protocol on the lines of the draft herewith enclosed.* Such Protocols have already been concluded with certain countries.

In the case of such Dominions as may exercise the suggested right of withdrawal from their present obligations under the Treaty, His Majesty's Government will, of course, if it is desired, consider in consultation with them the negotiation of a fresh Agreement to take the place of the present Treaty.

A Convention regulating the commercial relations between a single Dominion of the Empire on the one hand and a foreign Power on the other would, in fact, be no new departure, for His Majesty's Government have already, at the request of the Canadian Government, concluded a Commercial Convention with France, and informal arrangements have been made with other countries, including Italy.

Rome,

November 2nd, 1911.

* Not forwarded to Colonial Office.

41040

No. 339.

INDIA OFFICE to COLONIAL OFFICE.

(Received 26 December, 1912.)

India Office, Whitehall, London, S.W.,

24th December, 1912.

Sir,

With reference to your letter, No. 36767, of the 29th November,* to the Foreign Office, on the subject of applications of Canadian and British Indian subjects for patent and trade mark rights in Japan, I am directed by the Secretary of State for India in Council to forward, for Mr. Harcourt's information, a copy of a letter that he has caused to be sent to the Foreign Office.

I have, &c.,

LIONEL ABRAHAM.

Enclosure in No. 339.

Sir,

India Office, 24 December, 1912.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Langley's letter of the 20th November, on the subject of the application of an Indian firm for registration of a trade mark in Japan, and to state that, as a birth certificate would not ordinarily be forthcoming in the case of a person of Indian birth, it is desirable that, in agreeing to the suggestion submitted by Mr. Rumbold, Sir E. Grey should substitute "evidence of nationality" for the requirement of a birth certificate. The Government of India will be invited to give their opinion as to the precise nature of the evidence of nationality that should be required. Subject to this remark I am to inform you that His Lordship concurs in the proposal of the last paragraph of your letter under reply.

I have, &c.,

T. W. HOLDERNESS.

The Under-Secretary of State.
Foreign Office.

39552

No. 340.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 890.)

(Australia. No. 555.)

(New Zealand. No. 388.)

(Union of South Africa. No. 618.)

(Newfoundland. No. 267.)

[Sir,

[My Lord,

Downing Street, 27 December, 1912.

With reference to my despatch, No. [869] [542] [382] [608] [259] of the 19th December,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a Parliamentary Paper (Treaty Series 1912, No. 24)‡ giving the text of the Protocol between the United Kingdom and Columbia respecting the application of the Treaty of Commerce of February 16th, 1866, to certain parts of His Majesty's Dominions.

I have, &c.,

L. HARCOURT.

* No. 324.

† No. 336.

‡ [Cd. 6523], December, 1912.

39433

No. 341.

NEW SOUTH WALES.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Governor-General, Australia, 27 December, 1912, No. 553; and copies to Foreign Office and Board of Trade, 31 December, 1912. L.F.]

(No. 168.)

My Lord,

Downing Street, 27 December, 1912.

I HAVE the honour to transmit to you, for your information, the accompanying copies of Agreements* recently entered into with the Governments of Sweden, Denmark, France, and Colombia making provisions with regard to the application of the treaties with these countries to certain parts of His Majesty's Dominions, including Norfolk Island.

2. In pursuance of the authority given in the protocol with France steps have been taken by His Majesty's Government, after consultation with the Government of the Commonwealth of Australia, to notify the French Government that the Additional Articles of the Treaty of 1826 shall cease to be applicable to Norfolk Island with effect from the 29th of November, 1913.

3. In addition to the agreements referred to above, an arrangement has recently been come to with the Government of Mexico whereby His Majesty's Government are empowered to terminate separately in respect of Norfolk Island the Treaty with that Republic of the 27th November, 1886. Similar power to terminate separately in respect of Norfolk Island already existed in the case of the Treaties with Egypt, Greece, and Paraguay.

I have, &c.,

L. HARCOURT.

41423

No. 342.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 30 December, 1912.)

[Answered by No. 348.]

Sir,

Foreign Office, December 28, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter 36940, of the 11th instant,† respecting the partial termination of the Anglo-Swiss Commercial Treaty of 1855 in respect of the self-governing Dominions.

I am to state, in reply, that Sir E. Grey concurs in the terms of the draft Protocol to this effect enclosed in your letter, and that he is prepared to submit it to the Swiss Minister for the consideration of his Government. I am to enclose a draft note‡ which it is proposed for this purpose to address to Monsieur Carlin explaining the views of His Majesty's Government. Sir E. Grey will be glad to learn whether Mr. Secretary Harcourt concurs in its terms.

With regard to the penultimate paragraph of your letter, I am to enclose, herewith, in accordance with your request, a copy of Sir E. Grey's reply to the Swiss Minister's note of the 10th November, 1911.§

His Majesty's Minister at Berne is being asked to furnish a copy of the note which he addressed to the Swiss Government on the 31st October, 1911.¶ This note will be forwarded to you as soon as received.

I am, &c.,

W. LANGLEY.

Enclosure in No. 342.

Sir,

Foreign Office, December 6th, 1911.

I DID not fail to refer to the Secretary of State for the Colonies the note which you were good enough to address to me on the 10th ultimo, enquiring whether others of the self-governing Dominions besides Canada have entered into commercial

* Enclosures in Nos. 242 and 288 in Dominions No. 39, [Cd. 6203], [Cd. 6269], and [Cd. 6523].

† No. 330.

‡ See enclosure in No. 348.

§ No. 2 in Dominions No. 50.

¶ No. 1 in Dominions No. 50.

arrangements with foreign Powers and what are the agreements made by Canada up to the present date.

In reply, I have the honour to inform you that the only formal Conventions concluded to regulate trade between one self-governing Dominion and a foreign Power are the Conventions which were made with France on behalf of Canada in 1907 and 1909, and which are contained in the Parliamentary paper* enclosed herewith.

With regard to arrangements of an informal character concluded by Canada with foreign Powers, I have the honour to transmit to you herewith copy of the Canadian Tariff Act of 1907, together with a copy of the Canada Gazette of June, 1910, containing certain correspondence as to trade relations between the Dominion and Belgium, the Netherlands, and Italy, respectively. A copy of a Canadian official paper† containing the informal tariff arrangement made with Germany is also enclosed herewith, and you are doubtless aware of the proposed reciprocity arrangement with the United States of America and of the present situation in regard to it.

There is also the Convention made between the Governor of the Transvaal, with the authority of His Majesty's Government, and the Government of Mozambique. This Convention, however, is a special case, as in respect of Customs duties it merely continues the arrangements existing under the 1875 Treaty between Portugal and the South African Republic.

I have, &c.,

E. GREY.

Monsieur Carlin,
&c., &c., &c.

41354

No. 343.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 30 December, 1912.)

[Copy to Board of Trade and Foreign Office, 10 January, 1913. L.F.]

(No. 181.)

SIR,

Wellington, 21st November, 1912.

WITH reference to your despatch, No. 228, of the 2nd August,‡ enquiring whether my Government desire that the Treaty of Commerce between the United Kingdom and the Republic of Bolivia should be made applicable in respect of New Zealand, I have the honour to transmit to you the accompanying copy of a memorandum, dated 21st November, which I have received from my Prime Minister, intimating that the Government of this Dominion do not desire to notify adherence of the Treaty, for the reasons mentioned in the memorandum.

I have, &c.,

ISLINGTON,

Governor.

Enclosure in No. 343.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 21st November, 1912.

The Prime Minister presents his compliments to His Excellency the Governor, and returns herewith despatch, No. 228, of the 2nd August, from the Secretary of State for the Colonies, covered by G. H. 739/12, Commercial Treaty between Great Britain and Bolivia.

His Excellency is respectfully advised that the Government of New Zealand does not desire to notify adherence of the above-mentioned Treaty for the following reasons:—

- (1) New Zealand has neither import nor export trade with Bolivia, but, in the event of such arising, the conditions of Articles 2 and 5 would limit

* [Cd. 3021].

† Department of Trade and Commerce. Canada—Papers relating to Commercial Arrangements between Canada and Foreign Countries—Corrected to July 1, 1910 (C.O. Library, No. 12168).

‡ No. 262.

the freedom of the New Zealand Government in connection with tariff treaties, e.g., should New Zealand in the future enter into any special trade relationship by way of reciprocal tariff with United States, Germany, or any other country, the same concession would have to be granted, under Article 2, to Bolivia or to any other foreign country having a similar treaty to which New Zealand had expressed adherence.

- (2) Adherence to Article 1 [? 7] would greatly modify the provisions of the Immigration Restriction Act, and would do away altogether with the provisions of Section 14 as to the ability to write in a European language. Were such a concession given to any foreign country, pressure might be brought to bear for the admission of citizens of other foreign countries, and the Act, so far as the education test is concerned, might so be rendered void.

- (3) It is true that Article 7 might be construed to mean that only persons who had "conformed to the laws of this country," e.g., the Immigration Restriction Act, could have the "full liberty to enter, &c.," set out thereafter, but there is little doubt in the Prime Minister's mind that this Article was not framed with any laws relating to restriction upon entry in view, and that if admission to the Treaty were given, Bolivia should feel aggrieved if any of her citizens were refused free admission to New Zealand.

H. D. BELL,

For the Prime Minister.

41310

No. 344.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30 December, 1912.)

[Answered by No. 381.]

(No. 271.)

Governor-General's Office, Melbourne,

26th November, 1912.

SIR,

REFERRING to your despatch, No. 378, dated 12th September last,* with reference to withdrawal from the Anglo-Liberian Commercial Treaty, I have the honour to inform you that I am advised by my Prime Minister that it is desired by the Commonwealth Government that steps may be taken for the termination of the Treaty in respect to Papua and Norfolk Island.

I have, &c.,

DENMAN,

Governor-General.

41316

No. 345.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30 December, 1912.)

[Answered by No. 407.]

(No. 277.)

Governor-General's Office, Melbourne, 27th November, 1912.

SIR,

REFERRING to your despatch, No. 360, dated 5th September last,† relative to the Anglo-Mexican Treaty of 1888, I have the honour to inform you that I am advised by my Prime Minister that it is desired that His Majesty's Government should propose to the Government of Mexico the termination of this Treaty in respect to Papua and Norfolk Island.

I have, &c.,

DENMAN,

Governor-General.

* No. 281.

† No. 277.

No. 346.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2 January, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a letter from the India Office, dated December 24th, 1912,* and a telegram to Tokio, No. 1, R., dated January 1, 1913, respecting the treatment of Canadians and Indians desiring patent and trade mark rights in Japan.

Reference to previous letter: Colonial Office, November 29, 1912 (36767).†

Foreign Office,
January 2, 1913.

Enclosure 2 in No. 346.

Sir EDWARD GREY to Mr. RUMBOLD (Tokyo).

(No. 1.) R.

Foreign Office, January 1, 1913.

Your telegrams Nos. 80 of 11th November and 83 of 5th December.

It is proposed that the birth certificate should be produced to the Secretary of State, and not to the Japanese Government, the latter being furnished only with a certificate by the Secretary of State that the applicants have full and perfect status of British subjects. In certain cases it may not be possible for applicants to produce birth certificates, and it is suggested that "evidence of nationality" should be substituted for requirement of birth certificate.

I presume position of Canadian applications is similar to that of Indian.
Telegraph if this proposal is satisfactory.

No. 347.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3 January, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Chargé d'Affaires, Christiania, dated December 21, 1912, on the subject of the termination in respect of His Majesty's self-governing Dominions of the Anglo-Norwegian Commercial Treaty.

Reference to previous letter: From Colonial Office, December 3 (36594/12).‡

Foreign Office,
January 2, 1913.

Enclosure in No. 347.

(No. 108. Commercial.)

SIR,

Christiania, December 21, 1912.

With reference to your despatch, No. 49, Commercial, of the 9th instant I have the honour to report that I spoke to-day to the Norwegian Minister for Foreign Affairs on the subject of the application of the Anglo-Norwegian Commercial Treaty of 1826 to the self-governing Dominions.

I informed Mr. Irgens that His Majesty's Government were somewhat disappointed that the Norwegian Government had not seen their way to accept the proposed Protocol as it stood. Sweden had done so, and I hoped Mr. Irgens would lay the matter again before his colleagues for their reconsideration. Should they be unable to accept the original proposal, His Majesty's Government were prepared to sign a Protocol on the lines of that recently concluded with Denmark, of which I handed him a copy.

* Enclosure in No. 339.

† No. 324.

‡ No. 326.

I was careful to avoid all mention of the real reasons for which the Colonial Office objected to the Norwegian proposal, but ventured to state that it seemed somewhat inconvenient and anomalous that a different formula for accomplishing the same object should be employed in the case of each of the Scandinavian Kingdoms. Surely the Norwegian Government could see their way to agreeing either to what the Swedish or Danish Governments had accepted.

Mr. Irgens said he would lay the matter before his colleagues, and do his best to meet the wishes of His Majesty's Government. He regretted that he could not give me an answer off-hand as the question concerned several Departments of State. The final agreement would also have to be submitted to the Storting.

I have, &c.,

FRANCIS O. LINDLEY.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P.,

&c., &c., &c.

41428

No. 348.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 352.]

Downing Street, 4 January, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 28th of December,* on the subject of the Anglo-Swiss Commercial Treaty of 1885.

2. In reply, I am to request you to inform Secretary Sir E. Grey that Mr. Harcourt concurs generally in the terms of the Note which it is proposed to address to the Swiss Minister in answer to his Note of the 19th of November.†

3. Mr. Harcourt would, however, prefer that the Swiss Government should not be informed that His Majesty's Government intend to recommend the self-governing Dominions to accept the proposal for a partial termination of the Treaty. It will, he thinks, be sufficient if it is merely stated that His Majesty's Government will consult them on the subject. I am accordingly to enclose a copy of the draft Note in which the modifications necessary for this purpose have been embodied, together with a few verbal alterations to which Mr. Harcourt presumes Sir E. Grey will see no objection.

4. Mr. Harcourt will be obliged if a copy of the Note, as actually sent, can be furnished in due course.

I am, &c.,

H. W. JUST.

Enclosure in No. 348.

NOTE TO THE SWISS MINISTER.

(Draft.)

SIR,

Foreign Office,

I HAVE had under consideration the proposals you were good enough to submit to me in your Note of the 19th ultimo, respecting the termination of the Anglo-Swiss Commercial Treaty of 1855 in respect of His Majesty's self-governing Dominions.

The Swiss Government are, it appears, of opinion that a general termination of the Treaty would be disadvantageous to Swiss citizens, and I have now the honour to inform you that His Majesty's Government are prepared to consult the Governments of the Dominions on the principle of partial termination as proposed in your Note.

It is, I observe, suggested that the power of termination should be limited to Articles 8, 9, and 10 of the Convention, but I would point out that, as stated in paragraph 5 of my Note of the 5th October, His Majesty's Government consider Articles 7, 9, and 10, not Articles 8, 9, and 10, to be the only ones which do not secure to British subjects benefits which they would continue to enjoy even if domiciled in

* No. 342.

† No. 11 in Dominions No. 50.

a Dominion to which the Treaty had ceased to be applicable. Article 7, for instance, was quoted in my Note as an illustration of the fact that if the Dominion Governments had separate Consular services, a Dominion to which the Treaty had ceased to be applicable would not be still entitled, in virtue of that Article, to establish or maintain Consuls in Switzerland.

As regards Article 8, His Majesty's Government hold that British subjects would continue to enjoy the benefits derived from this Article, even if domiciled in a Dominion to which the Treaty was no longer applicable.

His Majesty's Government have, however, no reason to suppose that the Governments of the Dominions will attach any special importance to His Majesty's Government acquiring the power to terminate either Article 7 or Article 8, and I would accordingly enquire whether it would be agreeable to the Swiss Government that the power of termination should, in the event of a partial termination, be limited to Articles 9 and 10. I have the honour to submit herewith a fresh draft Protocol, which I have prepared on the assumption that the answer of the Swiss Government to the above enquiry will be in the affirmative.

If the draft Protocol correctly represents the wishes of the Swiss Government, His Majesty's Government will at once proceed to consult the Governments of the Dominions, and on receipt of their reply I shall be in a position to inform you definitely whether His Majesty's Government are able to agree to a partial termination of the Treaty on the lines of the draft Protocol now submitted.

I would add that, in preparing this draft, I have assumed that if only Articles 9 and 10 are to be terminated, there will be no occasion to embody in the Protocol any stipulations setting up a provisional régime after the termination.

I have, &c.,

41316

No. 349.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 356.]

SIR,

Downing Street, 7 January, 1913.

WITH reference to your letter of the 5th of December,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia, from which it will be observed that the Commonwealth Government desire that the Anglo-Mexican Treaty of 1888 should be terminated in respect of Norfolk Island as well as in respect of Papua.

2. Mr. Harcourt will, therefore, be glad if Sir Edward Grey will be so good as to instruct His Majesty's Minister at Mexico to secure the concurrence of the Mexican Government in the proposal that the Treaty should cease to be applicable to Norfolk Island as from the 13th April, 1913.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

41310

No. 350.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 353.]

SIR,

Downing Street, 8 January, 1913.

WITH reference to your letter of the 28th of October,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch§ from the Governor-General of the Commonwealth of Australia, from which it will be seen that the Commonwealth Government desire that steps should be taken for the termination of the Anglo-Liberian Commercial Treaty with respect to Norfolk Island as well as Papua.

* No. 328.

† No. 345.

‡ No. 309.

§ No. 344.

2. Mr. Harcourt will accordingly be glad if His Majesty's Minister at Monrovia can be instructed to address the necessary communication to the Liberian Government.

I am, &c.,

H. W. JUST.

91

No. 351.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 364.]

SIR,

Downing Street, 9 January, 1913.

WITH reference to the letter from this Department of the 2nd instant,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of Act No. 31, of 1912, of the Parliament of New Zealand, entitled, "An Act to amend the Law relating to Crown and other Lands."

2. I am to invite attention to Section 20 of this Ordinance, subsection 5 of which provides that allotments under this section shall be selected only by British subjects, and to state that Mr. Harcourt would be glad to be favoured with the observations of Sir E. Grey upon this provision, having regard to treaty obligations with respect to the acquisition of lands in the Dominion.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

2275

No. 352.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 January, 1913.)

[Answered by No. 358.]

SIR,

Foreign Office, January 20, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter 41428/1912, of the 4th instant,† suggesting certain amendments in the Note which it is proposed to address to the Swiss Minister on the subject of the termination of the Anglo-Swiss Commercial Treaty of 1855 in respect of the self-governing Dominions.

Sir E. Grey is prepared to accept the amendments suggested in your letter, but on further consideration he is convinced that it is undesirable that any mention should be made to Monsieur Carlin of the possibility of the self-governing Dominions contemplating the creation of an independent Consular Service. He proposes, therefore, subject to Mr. Harcourt's concurrence, to omit from the Note the last sentence in Section 3, beginning "Article 7, for instance." The omission of this sentence will not in any way affect the general sense of the Note.

I am, &c.,

A. LAW.

2467

No. 353.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22 January, 1913.)

SIR,

Foreign Office, January 21, 1913.

WITH reference to your letter of the 20th September last,‡ I am directed by Secretary Sir E. Grey to transmit to you, herewith, a copy of a despatch from the Acting British Consul-General at Monrovia, transmitting copies of the notes exchanged between himself and the Liberian Government terminating the Anglo-Liberian Commercial Treaty of 1848 in respect of Papua.

* L.F. transmitting copy of No. 42 in Australian No. 204.

† No. 348.

‡ No. 289.

It will be observed that the Liberian note provides for the termination of the Treaty in respect both of Papua and Norfolk Island, as desired by the Australian Government—see your letter 41310/1912-13 of the 8th instant*; but in order to avoid any ambiguity Mr. Maugham has been instructed to arrange with the Liberian Secretary of State to allow him to alter his note of the 21st ultimo so as to make it include Norfolk Island, as well as Papua. A copy of the despatch which has been addressed to Mr. Maugham, is enclosed herewith.

I am, &c.,
A. LAW.

Enclosure 1 in No. 353.

(No. 14. Commercial.)

SIR,
British Consulate-General, Monrovia,
31st December, 1912.
REFERRING to your despatch, No. 4, Commercial (39662/12), of the 8th October last, addressed to Mr. M. Y. H. Parks, then in charge of this Consulate-General, instructing him by an exchange of notes to terminate, one year thereafter, the Anglo-Liberian Commercial Treaty of the 21st November, 1848, in respect of the British Colonies of Papua and Norfolk Island, I have now the honour to transmit copies of the notes recently exchanged between the Liberian Government and myself agreeing to the proposal of His Majesty's Government for the termination of such Treaty on the date mentioned therein.

I have, &c.,
R. C. F. MAUGHAM,
His Majesty's Principal Secretary of State for Foreign Affairs,
The Foreign Office, London.
Acting British Consul-General.

British Consulate-General, Monrovia,

YOUR EXCELLENCY,
21st December, 1912.
YOUR Excellency recently informed me that the Liberian Government would be willing to agree to the termination of the Anglo-Liberian Commercial Treaty of the 21st November, 1848, in respect of the British Colonies of Papua and Norfolk Island.

His Majesty's Government are at present desirous of terminating the Treaty as regards Papua, and for this purpose I am directed by His Majesty's Secretary of State for Foreign Affairs to propose that, with the consent of the Liberian Government, the Treaty in question shall cease to apply to Papua from and after a year from the present date.

If the Liberian Government agree to this proposal, I should be much obliged if Your Excellency would so inform me in reply to this note. The exchange of notes could then be regarded as placing on record the arrangement agreed to between our respective Governments in the matter.

I have, &c.,
R. C. F. MAUGHAM,
Acting British Consul-General.

His Excellency
The Honourable C. D. B. King,
Republican Secretary of State,
Monrovia.

(No. 691 Consular (F).)

SIR,
Department of State, Monrovia, Liberia,
December 23rd, 1912.
IN reply to your despatch, No. 86, dated the 21st of December, I have the honour to state that the Government of Liberia agree to the termination of the Anglo-Liberian Commercial Treaty of the 21st November, 1848, in respect of the British

* No. 350.

Colonies of Papua and Norfolk Island, as proposed by His Majesty's Government, as well as to the method of placing on record the arrangement agreed to between the two Governments in the matter herein referred to by this exchange of notes.

With renewed assurances of my high consideration and respect,

I have, &c.,
C. D. B. KING,
Secretary of State.

To His Britannic Majesty's
Acting Consul-General, Monrovia.

Enclosure 2 in No. 353.

(No. 1. Commercial.)

SIR,
Foreign Office, January 21st, 1913.
I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your despatch, No. 14, Commercial, of the 31st ultimo, transmitting copies of the notes exchanged between yourself and the Liberian Government terminating the Anglo-Liberian Commercial Treaty of 1848 in respect of Papua.

Sir E. Grey observes that in the note from the Liberian Secretary of State provision is made for the termination of the Treaty in respect of Norfolk Island as well as Papua.

Although, in the despatch from this Office, No. 4, Commercial, of the 8th October, Mr. Parks was instructed to arrange for the termination of the Treaty in respect of Papua only, His Majesty's Government have since been requested by the Commonwealth Government to arrange that Norfolk Island should likewise be included in the termination.

As the Liberian note already mentions Norfolk Island the simplest arrangement would appear to be for you to obtain the permission of the Liberian Secretary of State to alter your note of the 21st December so as to make it include Norfolk Island as well as Papua, and thereby bring it into conformity with the Liberian note.

I am, &c.,
A. LAW.

R. C. F. Maugham, Esq.,
Acting British Consul-General,
Monrovia.

2906

No. 354.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25 January, 1913).

[Copies to Foreign Office and Board of Trade, 13th February, 1913. L.F.]

(No. 3.)

Government House, St. John's,
7th January, 1913.

SIR,
REFERRING to your despatch, No. 32, of 16th February, 1912,* in relation to the position of the self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883, I have the honour to transmit a copy of a letter on the subject received from the Colonial Secretary.

I have, &c.,
RALPH WILLIAMS.

Enclosure in No. 354.

Colonial Secretary's Office, St. John's, Newfoundland,
January 7, 1913.

SIR,
REFERRING to despatch, No. 32, of date 16th February last,* from the Right Honourable the Secretary of State for the Colonies, in relation to the position of the

* No. 255 in Dominions No. 39.

self-governing Dominions in respect of the Anglo-Italian Treaty of Commerce of 1883, I have the honour to intimate that Ministers, at the present moment, do not desire that the Treaty should cease to be applicable to Newfoundland. I am also to add that, in the event of the withdrawal of Newfoundland from the said Treaty, Ministers prefer that a new Treaty should be negotiated between this country and Italy.

I beg to forward herewith to Your Excellency the original despatch under reference.

I have, &c.,

R. WATSON,

Colonial Secretary.

His Excellency

Sir Ralph Williams, K.C.M.G.,

&c., &c., &c.,
Governor.

2879

No. 355.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25 January, 1913.)

(Confidential.)

SIR, Government House, Ottawa, 13 January, 1913.
WITH reference to your confidential despatch of the 16th September last,* transmitting a copy of the revised form of the Draft Treaty of Commerce and Navigation, I have the honour to transmit, herewith, for your information, copies of an approved minute of the Privy Council for Canada stating that my responsible advisers entertain no objection to the draft proposed.

I have, &c.,

ARTHUR.

Enclosure in No. 355.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 9TH JANUARY, 1913.

(P. C. 43.)

The Committee of the Privy Council have had before them a report, dated 4th January, 1913, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a confidential despatch, dated 16th September, 1912, from the Right Honourable the Principal Secretary of State for the Colonies, transmitting copy of the revised form of the Draft Treaty of Commerce and Navigation.

The Minister states that at the Colonial Conference of 1907 a model draft Treaty was submitted by the Government of Great Britain and discussed. This was afterwards sent to the various overseas Dominions for criticism, and on January 18th, 1908, the reply of the Canadian Government was transmitted, agreeing in the main with the proposed draft, but pointing out certain articles which would, in its opinion, require further consideration in any contemplated treaties. On May 22nd, 1908, a despatch was sent by Earl Crewe to the Canadian Government informing them that the replies from the various Governments showed some divergence of views, which indicated the impossibility of recasting the draft so as to make it possible of unanimous acceptance. It was pointed out, however, that Clauses 20 and 21 of the draft adequately safeguarded the interests of all, and in this suggestion all the Governments concerned agreed. In addition, the Home Government had adopted the proposal of the Board of Trade that when negotiations were projected with any particular country, the Government of each Dominion should be notified of the fact, and invited to express any views it might have to offer relating to the trade between such Dominion and the country concerned. In its reply of June 23rd, 1908, the Canadian Government concurred in this view.

* No. 286A.

The Minister, having regard to the foregoing, and after careful examination of the draft treaty in question, recommends, with the concurrence of the Minister of Trade and Commerce, that Your Royal Highness may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies that the Government of Canada entertains no objection to the draft proposed.

The Committee, concurring, advise that Your Royal Highness may be further pleased to transmit a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

3203

No. 356.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27 January, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Minister at Mexico, No. 2, Commercial, dated January 25, on the subject of the termination of the Anglo-Mexican Commercial Treaty in respect of Norfolk Island.

Reference to previous letter: From Colonial Office, January 7, 1913.* (41316/12.)

Foreign Office,

January 27, 1913.

Enclosure in No. 356.

(No. 2. Commercial.)

SIR,

Foreign Office, January 25th, 1913.

WITH reference to your despatch, No. 151, Commercial, of the 12th November, relative to the termination of the Anglo-Mexican Commercial Treaty of 1888 in respect of certain of His Majesty's Colonies, I have now to inform you that the Australian Government desire that the Treaty should cease to be applicable to Norfolk Island as well as to Papua.

You should therefore invite the Mexican Government to agree to the termination of the Treaty in respect of Norfolk Island as from the 13th April, 1913, being the date on which the Treaty is to terminate in respect of those of His Majesty's Colonies mentioned in your note to the Minister for Foreign Affairs of the 8th November.

If the Mexican Government agree to this course, you should propose that the arrangement as regards Norfolk Island should either be recorded in a fresh exchange of notes with the Minister for Foreign Affairs or else that the notes already exchanged providing for the termination of the Treaty in respect of the other Colonies above mentioned should be so altered as to include Norfolk Island.

I am, &c.,

F. W. Stronge, Esq.,

&c., &c., &c.

3629

No. 357.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1 February, 1913.)

[Answered by No. 366.]

SIR,

Foreign Office, January 31, 1913.

SECRETARY SIR EDWARD GREY has had under his consideration your letter of October 23rd last, 29591/1912,† on the subject of the proposed extradition treaty between this country and Japan.

* No. 349.

† No. 307.

I am to state that Sir Edward Grey views with some apprehension the suggestion contained in paragraph 7 of your letter, which marks an entirely new departure, as, in the event of its adoption, the difficulties and delays—already great—attending the negotiation of extradition treaties with foreign States would be much enhanced. As it is, eight years have elapsed before the receipt of the views of the Japanese Government on the draft treaty originally submitted to them, and it appears to Sir Edward Grey that if, after the home Government have succeeded in reaching the final stage of the negotiation of an extradition treaty with a foreign State, it is thought necessary to consult the self-governing Dominions, it is possible that the latter may suggest amendments or additions which would have the practical effect of reopening the entire discussion. Moreover, so far as Sir E. Grey is aware, none of the self-governing Dominions have raised any objection to the hitherto existing practice.

I am accordingly to suggest that, should Mr. Secretary Harcourt consider that the terms of the first Resolution of the Imperial Conference of 1911 embrace extradition treaties (see Blue Book [Cd. 5745], 1911)—which appears quite open to question—it would be desirable, in order to remove doubts, to ascertain from the Governments of the self-governing Dominions whether they are content to leave the negotiation and conclusion of such treaties to be carried out in the same manner as heretofore, pointing out the difficulties and delays which any fresh departure would entail.

In the meanwhile a revised draft will be prepared to give effect to the suggestions made by your Department and the Home Office.

I am, &c.,
EYRE A. CROWE.

2275

No. 358.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 363.]

Sir, Downing Street, 31 January, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 20th of January,* on the subject of the termination of the Anglo-Swiss Commercial Treaty of 1855 as regards the self-governing Dominions.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that it appears to Mr. Harcourt that if the last sentence in paragraph 3 of the draft note† to the Swiss Minister is omitted and no further explanation as to Article VII. is given the suggestion will be conveyed that British subjects connected with a self-governing Dominion to which the Treaty ceases to be applicable will not be entitled to the assistance of British Consular officers. Mr. Harcourt suggests, therefore, that it would be advisable, while omitting, as Sir Edward Grey proposes, the last sentence of paragraph 3 of the draft note, to explain that the reference to Article VII. in the previous note was an inadvertence, as British subjects connected with a Dominion to which the Treaty had ceased to be applicable would, of course, be entitled to the same assistance from British Consuls as other British subjects. This mode of procedure would meet Sir Edward Grey's wish not to suggest the possibility of the self-governing Dominions creating independent consular services, and if that possibility is not to be taken into account, it would not be inaccurate to say that the allusion to Article VII. was made inadvertently.

3. I am accordingly to enclose a re-draft of paragraph 3 of the draft note. If this re-draft is accepted the reference to Article VII. in paragraph 5 of the draft note should also be omitted.

4. Mr. Harcourt will be glad to receive a copy of the note as actually sent to the Swiss Minister.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 352.

† Enclosure in No. 348.

Enclosure in No. 358.

RE-DRAFT OF PARAGRAPH 3 OF DRAFT NOTE* TO THE SWISS MINISTER.

It is, I observe, suggested that the power of termination should be limited to Articles VIII., IX., and X. of the Convention. In paragraph 5 of my Note of the 5th October last I stated that His Majesty's Government considered Articles VII., IX., and X., not Articles VIII., IX., and X., to be the only ones which do not secure to British subjects benefits which they would continue to enjoy even if domiciled in a Dominion to which the Treaty had ceased to be applicable. I regret that the reference in that note to Article VII. was inserted by inadvertence; the Articles mentioned should have been IX. and X. only, since British subjects connected with a Dominion to which the Treaty had ceased to be applicable would, of course, be entitled to the same assistance from British Consuls as other British subjects.

3733

No. 359.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1 February, 1913.)

[Copy to Foreign Office, 13 February, 1913. L.F.]

[Answered by No. 373.]

(No. 193.)

Government House.

Sir,

Wellington, 27th December, 1912.

With reference to your despatch, No. 280, of the 27th September,† calling attention to the statement made by my Minister of Finance in Committee in the House of Representatives on the 6th August with regard to the settlement of gum lands, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister on the subject.

2. It will be observed from the memorandum that during last Session of the Parliament of New Zealand legislation was passed which contravenes the Treaty of 1883 with Italy. This was done quite inadvertently and, as stated in the memorandum, legislation will be introduced during next year preserving the Treaty rights which at present exist.

I have, &c.,
LIVERPOOL,
Governor.

Enclosure in No. 359.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office,

Wellington, December 24th, 1912.

The Prime Minister presents his compliments to His Excellency the Governor and begs to refer to a despatch of the 27th September, 1912, No. 280, from the Secretary of State for the Colonies, relating to a statement made on page XXVIII. of Parliamentary Paper, B6, containing the Financial Statement made by the Minister of Finance in Committee in the House of Representatives on the 6th August last with regard to the settlement of gum lands. He respectfully recommends that the British Government be informed that the contents of the despatch have received the careful consideration of the Government, and that, quite inadvertently, legislation was passed during last Session of Parliament which contravenes the Treaty referred to in the despatch, inasmuch as it appears now that it interferes with the privileges accorded to Italian subjects under the Treaty, and takes away the privileges extended under the most-favoured-nation clauses in Treaties with Russia, Switzerland, and Colombia to Russian subjects and Swiss and Colombian citizens. The Prime Minister further begs to state that when Parliament meets during the year 1913 legislation will be introduced by the Ministers preserving the Treaty rights which at present exist.

W. F. MASSEY.

* Enclosure in No. 348.

† No. 294.

3762

No. 360.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1 February, 1913.)

[Answered by No. 370.]

(No. 299.)

SIR, Governor-General's Office, Melbourne, 30th December, 1912.

REFERRING to your despatch, No. 408, dated 9th October last,* forwarding a copy of a Protocol which has been signed by the representatives of His Majesty's Government and the Government of Colombia, securing to either Government the right to terminate the Anglo-Colombian Treaty of Commerce of 1866, with respect to the self-governing Dominions, I have the honour to inform you that I am desired by my Prime Minister to ask that when the Protocol has received the ratification of the Colombian Legislature His Majesty's Government will give the necessary twelve months' notice of the withdrawal of the Commonwealth from the Treaty.

I have, &c.,
DENMAN,
Governor-General.

4055

No. 361.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 February, 1913.)

[Answered by No. 371.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch from His Majesty's Ambassador, St. Petersburg, dated January 1st, 1913, and a letter to Board of Trade, dated February 3rd, respecting the termination of the Anglo-Russian Commercial Treaty in respect of His Majesty's self-governing Dominions.

Reference to previous letter: To Colonial Office, October 23, 1911.†

Foreign Office,
February 3, 1913.

Enclosure 1 in No. 361.

(No. 1 Commercial.)

SIR, St. Petersburg, January 1, 1913.

WITH reference to your despatch, No. 21, Commercial, of the 3rd February last, I have the honour to forward to you herewith translation of the reply of the Russian Government to the communications which I addressed to them with a view to carrying out the instructions contained therein and in your despatch, No. 157, Commercial, of the 20th October, 1911, respecting the withdrawal of His Majesty's self-governing Dominions from the Treaty of Commerce concluded between the United Kingdom and Russia on January 12th, 1859.

The Russian Government in this note set forth the conditions on which they would be prepared to accept the proposals of His Majesty's Government on the subject, and forward a counter-draft of a Declaration which they suggest should be signed by the two Governments.

You will observe that in Article VII. of this counter-draft His Majesty's Government are to declare their readiness to enter into negotiations with the Russian

* No. 301.

† No. 222 in Dominions No. 39.

Government for the conclusion of a Consular Convention, and that special stress is laid by the Russian Government in their covering note on the desirability of concluding such a Convention.

The Right Honourable
Sir E. Grey, Bart., K.G., M.P.,
&c., &c., &c.

I have, &c.,
GEORGE W. BUCHANAN.

(Translation.)

M. L'AMBASSADEUR.

St. Petersburg, December 17/30, 1912.

IN the note dated November 5/18 of last year Your Excellency was pleased to transmit a proposal of the British Government on the question of a modification of the Russo-British Treaty of Commerce of December 31, 1858/January 12, 1859, in the sense that the self-governing Dominions of the British Empire be granted the right to withdraw from the above-mentioned Treaty independently of the parent State.

The Ministry for Foreign Affairs did not fail to enter into a consideration of the question raised in the above-mentioned note, as also of the draft protocol enclosed in it. I have now the honour to inform Your Excellency that the Imperial Government fully share those considerations which have prompted the British Government to make the above-mentioned proposal, and, being equally desirous of assisting the development of the close and friendly relations existing between the two countries, are ready in principle and on certain conditions specified below to accept the proposal made by Your Excellency and to sign a special agreement on this subject.

Upon studying the question which formed the subject of the note of November 5/18, the Imperial Government could not but note that in their opinion also the Treaty of 1858/1859 in certain parts appears to be obsolete and in need of amendment. For this reason they have decided to take advantage of the present occasion and on their part to make certain proposals respecting a partial alteration of the Treaty in question. These proposals are embodied in the counter-draft Declaration enclosed herewith. This counter-draft also includes in full (with the exception of the preamble) the draft attached to the note of November 5/18. As Your Excellency will be pleased to note, in addition to the articles containing the Russian proposals and the articles repeating the substance of the English draft, certain articles have been introduced supplementing the proposal of the British Government respecting the rights of self-governing Dominions. The inclusion of these articles in their counter-draft is due to a desire on the part of the Imperial Government to preclude any misunderstanding in the interpretation of the Declaration and to make absolutely clear the relations between Russia and those British Dominions which have withdrawn from the Treaty.

After these observations I permit myself to pass to an analysis of the articles of the Russian counter-draft.

Preamble.—The substitution of the present in place of the English text is explained by the more comprehensive character of the counter-draft as compared with the proposal of the Government of His Britannic Majesty.

Article 1.—The first part is a reproduction of the enactment of the British proposal.

The second part proposed by the Imperial Government aims at the securing for Russia also, in the interests of equality, the right to declare the Treaty of 1858/1859 as having lost its force in respect of any one of the British Dominions which has received this right.

Article 2.—Repeats the supplementary proposal of the British Government transmitted in Your Excellency's note of January 28/February 10 of this year.

Article 3.—Repeats the text of the British proposal from the words "without impairing the validity" up to the words "bound by the said Treaty on the other."

Article 4.—Repeats the text of the British proposal from the words "Nevertheless, the goods" up to the words "other foreign country" with the following additions proposed by the Imperial Government.

First, I would deem it necessary to extend the right of most-favoured-nation treatment, as is the case in the Treaty of 1858/1859, not only to goods, but also to subjects and vessels.

Second, the Imperial Government would deem it advantageous to supplement the clause respecting the accordance to Russian subjects, goods, and vessels of those rights which are given to the subjects, goods, and vessels of any other country by a statement that no exception is made as regards those privileges granted to the United Kingdom and other Dominions of His Britannic Majesty. In proposing this addition the Imperial Government had in view the fact—as is seen from the note of Your Excellency dated November 5/18 of last year—that the self-governing British Dominions enjoy complete independence as regards commerce and industry. If such independence exists, the commercial industrial relations of such a Colony towards the parent State can only be regarded from the point of view of the relations between two independent States.

For this reason the Imperial Government are of the opinion that every special commercial-industrial privilege granted by a Colony to other portions of Great Britain must be extended in full to all States enjoying in that Colony the right of most-favoured-nation treatment, and that only under this condition does the grant to self-governing Colonies of the right, independently of the parent State, to withdraw from commercial treaties concluded by the latter obtain real significance. As at the same time the political position of these Colonies and their position in the eyes of the Law of States is not changed, and the parent State, as regards its relations towards them, cannot be termed in the strict sense of the word "another country," it would appear to be extremely necessary, in order to avoid divergency of interpretation of the Declaration which is to be signed, that it should specify precisely the degree of most favoured treatment to be established between Russia and a Colony.

Article 5.—The Imperial Government, for the following considerations, deem it desirable to supplement the "*modus vivendi*" which is to be established, in the event of a withdrawal from the treaty, between Russia and the self-governing British Colonies, by the enactment set forth in Article 5 of the Russian counter-draft Declaration. The Imperial Government cannot lose sight of the fact that, in the event of the denunciation of the Treaty of 1858/1859 by one of the British Dominions, the latter, until the establishment with Russia of the most-favoured-nation treatment relations as provided for in Article 4 of the Russian counter-draft, cannot claim in Russia the enjoyment of the rights granted in Russia by the Treaty of 1858/1859 to the United Kingdom and such other Dominions of His Britannic Majesty as have not withdrawn from the Treaty. Similarly, in such an event the possibility of withdrawal from the Treaty by Russia must be foreseen.

With these aims, and in order to avoid possible misunderstanding, the Imperial Government deem it desirable to strengthen the regulations in the Declaration respecting the relations established between Russia and the British Dominions in the event of a withdrawal by one of the parties from the Treaty now binding them.

Article 6.—In raising the question of the amendment of the text of point 2 of the additional Article 2 of the Treaty of 1858/1859, the Imperial Government had in view the necessity of retaining in the future for themselves the power to secure for the population of the northern littoral of European Russia certain privileges arising from the economic and geographical peculiarities of this littoral. These privileges, which are of a purely local character, up to the present time have not evoked representations on the part of any State, and the right of the Imperial Government to regard special enactments in force along the northern littoral of Russia as not opposed to the principle of equality of rights with natives for foreigners is set forth in the text (and proposed now in Article 6 of the counter-draft Declaration) of all commercial Agreements which have been concluded of late by Russia. The Treaty of 1858/1859, point 2 of Article 2, in a certain degree has satisfied the requirements of the Imperial Government as regards the protection of the interests of the population of the government of Archangel. But at the same time the necessity, on the one hand, of extending the exemptions granted to this population to Articles outside those specified in point 2, and the necessity, on the other hand, of extending these exemptions to the population along the northern littoral of Asiatic Russia, respecting which, at the time of the conclusion of the Treaty of 1858/1859, there could have been no question, in view of the complete absence of any inhabitants in those parts at that time, prompt the Imperial Government to express a desire to amend the text of the point in the sense proposed in Article 6 of the counter-draft Declaration.

The Treaty of 1858/1859 did not foresee the possibility of granting to a neighbouring State, without a violation of the principle of reciprocity as regards Great Britain, exemptions based on conterminous relations.

As local commercial exchange within a frontier zone undoubtedly cannot be placed under the general principles of Russian trade with foreign States, the Imperial Government deems advisable the inclusion in the Declaration of an enactment respecting frontier trade in the form in which it has been set forth in the new Treaties of Commerce which have been concluded by Russia.

The desire of the Imperial Government to include in the Treaty of 1858/1859 a clause respecting the trade between Russia and adjoining Asiatic countries is explained by its character and the special historic conditions with which it has been formed. This clause is inserted in all new commercial Agreements made by Russia, and up to the present time has not evoked protests on the part of any State. For this reason the Imperial Government hope that the British Government will not refuse to insert this clause in the Treaty of 1858/1859. It has a purely local character and does not affect the commercial trade of Russia with the States of Europe or America.

Article 7.—The question of the respective position of Consuls in the two countries is at the present time provided for by Article 15 of the Treaty of 1858/1859, which guarantees to Consuls the rights of most-favoured-nation treatment. In this connexion the Imperial Government cannot but note that in view of the extreme divergence in the laws, enactments, and customs existing in the two countries as regards the position of foreign Consuls, the rights of Russian Consuls in Great Britain are in fact considerably more restricted than the rights of British Consuls in Russia. For this reason it is impossible not to recognise the extreme desirability, in the interests of justice and of a consolidation of the friendly relations between the two countries, of adopting certain measures towards an amendment of the situation which has been created, which would appear to be feasible only by the conclusion of a Consular Convention between the two countries.

Article 8.—In the proposal to include this article in the Declaration the Imperial Government have been guided by the consideration that they must have a certain period from the day of signature of the Declaration for the purpose of giving it legal force by means of a communication of its text to the proper authorities for promulgation.

Article 9.—Has a purely formal character of giving to the enactments of the Declaration the force of the enactments of the Treaty of 1858/1859.

In bringing the above-mentioned considerations of the Imperial Government to the notice of Your Excellency, I beg, Sir, that you will transmit them to your Government, and will do me the honour to acquaint me with their final decision on this matter.

Receive, &c.,
SAZONOFF.

His Excellency
Sir G. Buchanan, G.C.V.O., K.C.M.G.,
&c., &c., &c.

COUNTER-DRAFT OF A DECLARATION BETWEEN THE GOVERNMENTS OF RUSSIA AND GREAT BRITAIN RELATING TO THE AMENDMENT OF THE TREATY OF COMMERCE OF 31ST DECEMBER, 1858/12TH JANUARY, 1859.

In view of the desirability of the introduction into the Treaty concluded between Russia and Great Britain 31st December 1858/12th January, 1859, of certain amendments arising from the requirements of the time, the Imperial Russian Government and the Government of His Britannic Majesty have agreed to the following:—

1. Canada, Australia, New Zealand, South Africa and Newfoundland may each, separately, and at any time, notify their withdrawal from the Treaty of December 31, 1858/12 January, 1859, on giving twelve months' notice to that effect.

Equally, Russia may on similar conditions notify her withdrawal from the above-mentioned Treaty as regards each of the British Dominions specified in this (1) article.

2. Should Australia, by virtue of the preceding (1) Article of this Declaration, notify her withdrawal from the above-mentioned Treaty of 31st December, 1858/12th January, 1859, this withdrawal, should the Government of His Britannic Majesty express a desire to such effect, shall extend to the islands of Papua and Norfolk.

3. It shall be understood that the withdrawal of one of the British Dominions specified in Articles 1 and 2 of this Declaration from the Treaty of 31st December, 1858/12th January, 1859, shall not thereby entail a cessation of the Treaty in question as regards Russia, the United Kingdom, or those other portions of the dominions of His Britannic Majesty which shall not notify their withdrawal from this Treaty.

4. Should, however, notwithstanding its withdrawal from the Treaty, any one of the above specified British Dominions grant to Russian subjects, goods, and vessels similar rights to those given to subjects, goods, and vessels of any other country not excepting the United Kingdom and all those other dominions of His Britannic Majesty for whom the Treaty of 1858/1859 remains binding, the citizens, goods, and vessels of the British Dominion in question, throughout the period of the grant of such privileges, shall enjoy in Russia complete and unconditional most-favoured-nation treatment.

5. In the event of the withdrawal from the above-mentioned Treaty of 1858/1859 of one of the British Dominions specified in Articles 1 and 2 of this Declaration, the citizens, goods, and vessels of the said Dominion shall have no right to claim the enjoyment in Russia of those rights and privileges which are accorded by the Treaty of 1858/1859 to the parent State and other Dominions which have not withdrawn from the Treaty.

6. Point 2 of the additional Article 2 of the Treaty of 31st December/12th January shall be substituted by the following :—

Exemptions which are at present granted or may be in the future granted as regards import and export to the inhabitants of the Government of Archangel, as also to the northern and eastern littoral of Asiatic Russia (Siberia).

Exemptions which are granted now or shall be granted in the future to other neighbouring Powers for facilitating commercial exchange in the frontier zone.

Enactments which relate or shall relate to the trade of Russia with neighbouring Asiatic States and Dominions.

On the condition however that articles of import from the British Empire shall enjoy all Customs exemptions accorded to articles of import into these localities from any other State of Europe or North America.

7. The Government of His Britannic Majesty declare their readiness within a period of three years from the date of signature of the present Protocol to enter into negotiations with the Imperial Russian Government respecting the conclusion of a Consular Convention.

8. The present Declaration shall come into force in one month from the date of its signature.

9. The enactments of the present Declaration shall have the same force and period of action as the Treaty of 1858/1859.

In witness whereof the undersigned have signed the present Declaration and have affixed thereto their seals.

Done at

Enclosure 2 in No. 361.

SIR,

Foreign Office, February 3, 1913.

WITH reference to the letter from this Office of October 23rd, 1911, I am directed by Secretary Sir E. Grey to inform you that His Majesty's Ambassador at St. Petersburg submitted to the Russian Government the draft protocol providing for the termination of the Anglo-Russian Commercial Treaty of 1859 in respect of those of His Majesty's self-governing Dominions which might desire it.

I am now to transmit to you herewith copy of a despatch from Sir G. Buchanan, enclosing the reply of the Russian Government on this subject, and I am to request that the Board of Trade will favour Sir E. Grey with their views on the counter draft of protocol now submitted by the Russian Government.

Articles 1 to 3 of the Russian protocol embody the substance of the original draft and appear to be unobjectionable.

The Russian Government have, it is true, inserted in Article I. a provision extending to Russia the right of terminating the Treaty in respect of any of the Dominions. This provision, however, occurs already in certain of the protocols

which have been signed on this subject with foreign countries, and Sir E. Grey is prepared, therefore, if the Secretary of State for the Colonies has no objections to raise, to agree to it in the present instance.

On the other hand Articles 4 and 5 appear to Sir E. Grey to be inadmissible, inasmuch as they tend to restrict the rights of Colonial British subjects in Russia, and to impede the establishment of Imperial preference between this country and the Dominions, should such a policy ever be decided upon in the future.

As regards Article 6 Sir E. Grey will be glad to learn whether the Board of Trade have any objection in principle to granting to Russia the concessions therein provided for, and, if not, whether there is any corresponding concession which His Majesty's Government might demand from the Russian Government in return. Failing such, I am to enquire whether the Board would see any objection to the Russian Government being informed that His Majesty's Government will accept the provisions of Article 6 on condition that they, for their part, agree to the terms of the draft Protocol as originally submitted to them by His Majesty's Government.

As regards Article 7 I am to state that the question of a Consular Convention to which reference is made has already been the subject of communications with the Russian Government. His Majesty's Government are faced with insuperable difficulties which prevent them from concluding Consular Conventions with foreign countries, and Sir E. Grey proposes to inform the Russian Government that they can, in consequence, hold out no prospect of being able to conclude such a convention in the present case.

I am, &c.,
A. LAW.

The Secretary
to the Board of Trade.

4491

No. 362.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7 February, 1913.)

[Answered by No. 368.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Chargé d'Affaires at Tokio, No. 6, dated January 8, 1913, respecting the trade mark rights of British Indian and Canadian subjects.

Reference to previous letter : To Colonial Office, January 9, 1913.*

Foreign Office,
February 7, 1913.

Enclosure in No. 362.

(No. 6.)

SIR,

British Embassy, Tokyo, January 8th, 1913.

WITH reference to your telegram, No. 1, of January 1, and my telegram of to-day's date and previous correspondence on the question of the right of British subjects born in India and Canada to apply for and obtain registration of their trade mark rights in Japan, I have the honour to report as follows :—On the 23th October last Mr. de Havilland informed the Commercial Attaché that he had made a further application for registration of a trade mark on behalf of Nathoo Valabhji and Keshavlal Valabhji, trading as the Anglo-Indian Company. The Patent Bureau, however, returned it and asked if the applicants were natives of Great Britain, a note being added that natives of India, though British subjects, could not have protection for their trade mark rights.

Under my instructions, Mr. Crowe immediately proceeded to call on the Director of the Patent Bureau with Mr. de Havilland's representative and laid the particulars of the case before Mr. Nakamatsu, the Director in question, referring to the arrangement which had already been come to with Mr. Sakata in June last.

* 1067 : not printed.

Mr. Nakamatsu disclaimed knowledge of this, so Mr. Crowe agreed that a conference should be held with Mr. Sakata to see if some way out of the difficulty could not be found.

I should mention here that the Patent Agent in London (Mr. Barker) had quite ignored Mr. de Havilland's instructions, and, instead of getting a certificate of nationality prepared in England or at least visé in England, he merely sent a certificate of nationality prepared in India and certified by a notary with an Indian name.

Copies of the correspondence which subsequently passed between Mr. Sakata and Mr. Crowe are enclosed herewith, and from this it will be seen that all that is required is a birth certificate signed by the proper authority who is legally competent to give such a certificate, showing that the applicants enjoy the full and perfect status of a British subject.

Just when I had prepared a despatch laying these facts before you, your telegram, No. 53, of the 8th November, arrived, asking how the matter stood. I was not absolutely certain in my own mind whether it would be possible to obtain a certificate showing that these Indians enjoyed the full and perfect status of British subjects, and I therefore thought it more prudent to telegraph and ask whether, on production of a birth certificate, you would be prepared to grant a certificate to the above effect, as I would then know what steps to advise Mr. de Havilland to take.

On the receipt of your telegram, No. 1, of January 1, 1913, I instructed Mr. Crowe again to visit Mr. Sakata and ascertain his views on the points raised. Mr. Sakata said that the position of Canadian applicants would be the same as that of Indians, and that the arrangement come to would refer to British subjects born in any non-adhering colony. He thought that paragraph 3 of his letter of November 5th, which is enclosed herewith, would meet the point of "evidence of nationality" in the case of those persons who were unable to produce birth certificates. He did not like to alter the wording so as to meet the suggestion made in your telegram about "evidence of nationality," because, although he thought your suggestion was reasonable, he considered it preferable to retain the terms of an old agreement come to several years ago.

He was not certain, however, whether the term "official of the British Government" used in his letter necessarily meant an official of the United Kingdom, and asked for time to consult Mr. Nakamatsu. The result of the consultation is a second letter from Mr. Sakata, dated January 7th, showing that the attestation of Colonial Government officials is sufficient.

I have instructed Mr. de Havilland to write to Mr. Barker in the sense of this despatch, but perhaps it would be as well if the Foreign Office were to impress upon Mr. Barker the importance of complying in this, the first case, with the exact requirements of the Japanese authorities.

It is possible that the registrar who issues a birth certificate is not legally competent to certify that a British subject born in India enjoys the full and perfect status of a British subject, so that care should be taken that Mr. Barker should know to what official he should apply.

Under the latest arrangement a certificate from the Foreign Office is not actually necessary, but to be on the safe side it would perhaps be as well, provided you see no objection, if you were to send me a despatch stating that the men in question "enjoyed the full and perfect status of British subjects," which I could, if it were necessary, show to the Japanese authorities.

I would not use the despatch until other means had failed, so as to avoid creating a precedent.

I have, &c.,
HORACE RUMBOLD.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

Office of Commercial Attaché, British Consulate-General,
Yokohama, October 29th, 1912.
DEAR MR. SAKATA,
You will remember that some time ago we discussed the question of the refusal of the Patent Bureau to accept for registration the trade marks belonging to British subjects who happened to have been born in those parts of the British Empire which

either had not adhered to the Anglo-Japanese Treaty of Commerce and Navigation or to the International Convention for the Protection of Industrial Property, and finally you agreed that all British subjects, irrespective of where they were born, were entitled to registration of their marks.

A fresh case has now arisen in which the Patent Bureau have refused to accept an application for registration of trade mark rights made in the name of Nathoo Valabhji and Keshavial Valabhji, trading as the Anglo-Indian Drug and Chemical Company. These gentlemen, though born in India, are subjects of the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, and are therefore entitled to have their marks registered. I saw Mr. Nakamatsu this morning, and, as he had not looked at the subject from this point of view and seemed to be confusing British subjects born in India (*i.e.*, natives of India) with subjects of the Native States of India, I asked him to reconsider his decision and consult you. I hope, therefore, you will be able to settle the matter satisfactorily.

Believe me, &c.,
E. F. CROWE.

(Translation.)

SIR,

Foreign Office, Tokyo, November 5, 1912.

IN reply to your letter of the 29th ultimo, on the subject of the application of Nathoo Valabhji and Keshavial Valabhji for the registration of their trade mark, I have the honour to inform you that, after consultation with the Patent Bureau, it has been decided that, should the applicants be able to prove in one of the ways mentioned hereafter that they enjoy the full and perfect status of a British subject, the Patent Bureau will accept their application for registration.

I have, &c.,
J. SAKATA,
Director of Commercial Bureau.

E. F. Crowe, Esq.,
His Britannic Majesty's Commercial Attaché.

METHODS OF CERTIFICATION.

1. Copy of the birth certificate certified by a Japanese Consul or by an official of the British Government who is legally competent to give such a certificate.
2. Copy of the certificate of naturalisation certified as above.
3. In the event of its being impossible to obtain the birth certificate mentioned in paragraph 1, owing to the birth having occurred before the system of registering births was introduced, an affidavit to that effect accompanied by a certificate from the British Ambassador in Japan.

DEAR MR. CROWE,

Foreign Office, Tokyo, January 7, 1913.

WITH regard to our conversation of last Saturday, I beg to inform you, after consultation with Mr. Nakamatsu, the Director of the Patent Bureau, that the term "*Japanese characters*" (a British Government official) as used in my letter of the 5th of November last, does not necessarily mean an official of the United Kingdom only, but that the attestation of the officials of the Colonial Governments would suffice as well for the case of Colonial birth.

Yours sincerely,
J. SAKATA,
Director of the Commercial Bureau.

4888

No. 363.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10 February, 1913.)

SIR,

Foreign Office, February 10, 1913.

I AM directed by Secretary Sir Edward Grey to acknowledge the receipt of your letter, 2275/1913, of the 31st ultimo,* respecting the termination of the Anglo-Swiss Commercial Treaty in regard to His Majesty's self-governing Dominions.

* No. 258.

I am to state, in reply, that Sir E. Grey sees no objection to the amendment of paragraph 3 of the proposed Note to the Swiss Minister in the manner indicated in your letter.

I am to enclose copy of the Note in the form in which it is now being sent to Monsieur Carlin.

I am, &c.,
A. LAW.

Enclosure in No. 363.

SIR,

Foreign Office, February 10, 1913.

I HAVE had under consideration the proposals you were good enough to submit to me in your Note of the 19th November, respecting the termination of the Anglo-Swiss Commercial Treaty of 1855 in respect of His Majesty's self-governing Dominions.

The Swiss Government are, it appears, of opinion that a general termination of the Treaty would be disadvantageous to Swiss citizens, and I have now the honour to inform you that His Majesty's Government are prepared to consult the Governments of the Dominions on the principle of partial termination as proposed in your Note.

It is, I observe, suggested that the power of termination should be limited to Articles VIII., IX., and X. of the Convention. In paragraph 5 of my Note of the 5th October last, I stated that His Majesty's Government considered Articles VII., IX., and X., not Articles VIII., IX., and X., to be the only ones which do not secure to British subjects benefits which they would continue to enjoy, even if domiciled in a Dominion to which the Treaty had ceased to be applicable. I regret that the reference in that Note to Article VII. was inserted by inadvertence; the Articles mentioned should have been IX. and X. only, since British subjects connected with a Dominion to which the Treaty had ceased to be applicable would, of course, be entitled to the same assistance from British Consuls as other British subjects.

As regards Article VIII., His Majesty's Government hold that British subjects would continue to enjoy the benefits derived from this Article, even if domiciled in a Dominion to which the Treaty was no longer applicable.

His Majesty's Government have, however, no reason to suppose that the Governments of the Dominions will attach any special importance to His Majesty's Government acquiring the power to terminate Article VIII., and I would accordingly enquire whether it would be agreeable to the Swiss Government that the power of termination should, in the event of a partial termination, be limited to Articles IX. and X. I have the honour to submit herewith a fresh draft Protocol, which I have prepared on the assumption that the answer of the Swiss Government to the above enquiry will be in the affirmative.

If the draft Protocol correctly represents the wishes of the Swiss Government, His Majesty's Government will at once proceed to consult the Governments of the Dominions, and on receipt of their reply I shall be in a position to inform you definitely whether His Majesty's Government are able to agree to a partial termination of the Treaty on the lines of the draft Protocol now submitted.

I would add that, in preparing this draft, I have assumed that if only Articles IX. and X. are to be terminated, there will be no occasion to embody in the Protocol any stipulations setting up a provisional régime after the termination.

I have, &c.,

Monsieur Carlin,
&c., &c., &c.

DRAFT PROTOCOL.

Whereas the commercial relations of the British Empire and the Swiss Confederation are at present regulated by the Treaty of the 6th September, 1855, and whereas it is desirable to make further provision with regard to the application to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada,

the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, of certain stipulations of the said Treaty relating to the treatment of goods the growth, produce, or manufacture of the territories of the one Contracting Party in the territories of the other:

The Government of His Britannic Majesty and the Federal Council of the Swiss Confederation hereby agree that either of the Contracting Parties shall have the right at any time to terminate Articles IX. and X. of the said Treaty with respect to any or all of the above-mentioned Dominions on giving twelve months' notice to that effect.

It is further agreed that should the said Articles of the said Treaty cease in pursuance of this Protocol to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the Contracting Parties.

4977

No. 364.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 February, 1913.)

[Answered by L.F. transmitting copy of No. 373.]

SIR,

Foreign Office, February 11, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 91/1912/1913, of the 9th ultimo,* respecting the law recently passed by the New Zealand Parliament "to amend the Law relating to Crown and other Lands."

I am to point out, in reply, for the information of Mr. Secretary Harcourt, that New Zealand has acceded to the Commercial Treaties between Great Britain and Italy (1883), Greece (1886), Nicaragua (1905), and Uruguay (1885), and Sir E. Grey is therefore of opinion that Section 20 of the law under consideration infringes the provision for national treatment of alien subjects or citizens in respect of the acquisition of real property which is provided for in all these Treaties. Moreover, the national treatment to be accorded to the subjects or citizens of Italy, Greece, Nicaragua, and Uruguay must be extended to those of Russia, Switzerland, and Colombia, in virtue of the most-favoured-nation treatment which these three latter countries are entitled to claim under their Commercial Treaties with Great Britain, all of which are binding on New Zealand.

The original enclosure in your letter under reply is returned herewith, as requested.

I am, &c.,
A. LAW.

3762

No. 365.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 367.]

SIR,

Downing Street, 12 February, 1913.

WITH reference to your letter of the 13th December last,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, asking that twelve months' notice may be given of the withdrawal of the Commonwealth from the Anglo-Colombian Treaty of Commerce of 1866.

2. I am to request you to move Sir E. Grey to cause the necessary action to be taken in this matter.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

No. 366.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 382.]

SIR,

Downing Street, 15 February, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st of January,* on the subject of the proposed Extradition Treaty between this country and Japan.

2. In reply, I am to request you to inform Secretary Sir E. Grey that, in deference to his opinion, Mr. Harcourt is prepared not to press the suggestion that the Governments of the overseas Dominions should be consulted with regard to the terms of this Treaty, in view of the fact that the negotiations are reaching a final stage, and that delay would be caused, more particularly if suggestions of amendments or additions were made by the Dominion Governments. But if the Dominion Governments are not consulted in advance, Mr. Harcourt trusts that Sir E. Grey will agree that the usual "Colonial Clause" should be inserted in the Treaty, providing that it shall not apply to any of the self-governing Dominions unless special notice is given in respect of them, and reserving the right to His Majesty's Government or to the Japanese Government to terminate its application to any of the self-governing Dominions on giving one year's notice.

3. If this step is taken in this and subsequent cases the procedure in the case of extradition treaties will be assimilated to that adopted in the case of commercial treaties, and as the procedure in the case of commercial treaties has been satisfactory to the self-governing Dominions, there is every reason to suppose that they will be content with its adoption in the case of extradition treaties.

4. I am to add that it will be desirable that, as in the case of new commercial treaties, before negotiations are entered into with a foreign Power for a new extradition treaty the self-governing Dominions should, whenever circumstances permit, be invited to consider whether there are any points to which they attach special importance so that they can be borne in mind by His Majesty's Government during the subsequent negotiations, although, of course, His Majesty's Government would not be bound to insist on securing the points desired by the Dominion Governments. Thus, in informing them of the termination of the Treaty with Brazil (see your letter of 29th January†), he would propose to enquire whether they have any suggestions to make in regard to the negotiation of a new Treaty.

5. Mr. Harcourt regards the insertion of a "Colonial Clause" as preferable to addressing the Dominion Governments with a view to obtaining their consent to the maintenance of the existing practice. Although it is probably true that the resolution of the Imperial Conference was not intended or understood to cover extradition treaties, the course suggested in the penultimate paragraph of your letter would certainly entail some delay, and might not impossibly lead to prolonged correspondence.

I am, &c.,

H. W. JUST.

5730

No. 367.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 18 February, 1913.)

[Answered by L.F.F. transmitting copies of Nos. 370 and 374.]

SIR,

Foreign Office, February 17, 1913.

WITH reference to your letter of the 12th instant (3762/12-13),‡ respecting the desired withdrawal of the Commonwealth of Australia from the Anglo-Colombian Treaty of Commerce of 1866, I am directed by Secretary Sir E. Grey to invite Mr. Secretary Harcourt's attention to the latter part of paragraph 2 of the Protocol between the United Kingdom and Colombia of August 20th last, and to inquire whether it is desired that notification of withdrawal should also be given as regards Papua and Norfolk Island.

On receipt of your reply, His Majesty's Minister at Bogota will be duly instructed to take the necessary steps in the matter.

I am, &c.,

EYRE A. CROWE.

* No. 357.

† 3431: not printed.

‡ No. 365.

No. 368.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 375.]

SIR,

Downing Street, 20 February, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 7th of February,* and to transmit to you, to be laid before Sir Edward Grey, the accompanying draft of a despatch,† which, if he concurs, it is proposed to address to the Governor-General of the Dominion of Canada, on the subject of the position of British Canadian and Indian subjects as regards registration of trade marks, &c., in Japan.

2. Mr. Harcourt notices that no mention is made in the despatch from the Chargé d'Affaires at Tokio of the case of a British subject whose claim to British nationality rests not on birth but on descent. He would be glad to be favoured with Sir E. Grey's observations on this point.

3. Mr. Harcourt also notices that no mention is made of the case of a company which is registered in a part of the Empire to which the treaty stipulations respecting the protection of patents and trade marks in Japan are not made applicable. It was a case of the last-mentioned kind out of which the recent correspondence arose (see Sir Claude MacDonald's despatch, No. 42, of the 10th of February, 1912, copy of which was enclosed in your letter of the 16th of March, 1912‡). Companies are not mentioned in the existing Industrial Property Convention, but they are mentioned in Article 15 of the Commercial Treaty with Japan, and in Article 7 bis of the revised Industrial Property Convention signed at Washington in June, 1911. Mr. Harcourt would be glad to learn whether, in Sir E. Grey's opinion, British companies, as distinguished from British subjects, have any treaty rights at present in Japan in respect of patent and trade marks; whether such rights, if any, can be claimed by companies registered in a Dominion to which the treaty conferring such rights is not applicable. I am to add that it would seem that any difficulty arising out of the absence of a treaty right on the part of a British Company to obtain protection of its patents and trade marks in Japan could be avoided by registering in the name of an individual British subject.

4. Mr. Harcourt is anxious to communicate with the Canadian Government as soon as possible. He would, therefore, be obliged if Sir E. Grey could favour him with an expression of his views on the terms of the enclosed draft despatch without waiting until he is in a position to reply to the two foregoing paragraphs.

I am, &c.,

H. W. JUST.

6265

No. 369.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 February, 1913.)

[Answered by No. 390.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister, Panama, No. 6, Commercial, dated January 23, respecting the Anglo-Costa Rican Commercial Treaty: termination in respect of His Majesty's Self-governing Dominions.

Reference to previous letter: To Colonial Office, July 18, 1912§

Foreign Office,

February 21, 1913.

Enclosure in No. 369.

(No. 6. Commercial.)

SIR,

British Legation, Panama, January 23, 1913.

I HAVE the honour to refer to your despatch, No. 9 of this series, of October 20th, and to inform you that the Government of Costa Rica have formally

* No. 362.

† See No. 377.

‡ No. 269 in Dominions No. 39.

§ No. 258.

assented to a modification of the Treaty of November 27, 1849, as proposed in the draft Protocol which accompanied that despatch, with a view to securing liberty to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland to withdraw from the said Treaty separately at any time on giving twelve months' notice to that effect.

I have already communicated this intelligence to you in a telegram, and in accordance with the reply I received on the 22nd instant I shall arrange to sign the Protocol in the form as it was received in your despatch, No. 9, with the Representative of Costa Rica in Panamá.

I have, &c.,
C. Mallet.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.
&c., &c., &c.

5730

No. 370.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 21st February, 1913.)

TELEGRAM.

[Copy to Foreign Office, 25 February, 1913. L.F.]

[Answered by No. 374.]

Your despatch 30th December, No. 299.* Is it desired that in giving notification of termination of treaty with Colombia, notification should also be given in respect of Papua and Norfolk Island? See your despatch, 27th November, No. 277.† —HARCOURT.

4055

No. 371.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 389.]

SIR, Downing Street, 24 February, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd instant,‡ communicating the reply of the Russian Government to the proposal that His Majesty's Government should be empowered to terminate the Anglo-Russian Commercial Treaty separately in respect of the self-governing Dominions.

2. Mr. Harcourt will be glad to learn in due course what view the Board of Trade take of the proposals of the Russian Government in regard to the trade of the district of Archangel and the northern and eastern littorals of Asiatic Russia, and in regard to trade in the frontier zone and with neighbouring Asiatic States and dominions.

3. Even if it should be decided to reject these proposals, the terms of the Russian Note would appear to leave His Majesty's Government no option but to place on record their views on the questions raised by Articles 4 and 5 of the counter-draft, which Mr. Harcourt agrees with Sir E. Grey in regarding as inadmissible. Should it, however, be found possible to make the desired concessions, Mr. Harcourt trusts that the assent of His Majesty's Government will be coupled with the condition that the Russian Government should accept the two following principles:—

- (i) That British subjects connected with a Dominion to which the Treaty has ceased to be applicable will continue to be entitled to all the benefits conferred by the treaty on British subjects as such. In this connexion I am to refer to the recent correspondence with the Swiss Government;

* No. 360.

† No. 345.

‡ No. 361.

- (ii) That the grant of preference by one part of the Empire to another is a purely domestic arrangement and neither involves any derogation from, nor can be brought within the purview of, most-favoured-nation stipulations.

This question, as Sir E. Grey is aware, was the cause of a tariff war (see [Cd. 1630]) between Canada and Germany, which has now been settled by the acquiescence of Germany in the British claim.

4. The question arises whether the concessions desired by Russia can be made without prior consultation with the self-governing Dominions. This question can conveniently stand over until the observations of the Board of Trade have been furnished. Mr. Harcourt will, however, be glad if the Board can be asked to state how far, if at all, the concessions would, in their opinion, affect the trade of the oversea possessions as well as that of the United Kingdom.

5. In setting out what they conceive to be the effect of the withdrawal of a self-governing Dominion, the Russian Government allude specifically to ships. The question of the position of ships has also, it will be remembered, been raised by the Norwegian Government. Mr. Harcourt would suggest, for the consideration of Sir E. Grey, that it would be desirable to ask the Law Officers of the Crown to report as to the application to ships of their recent ruling,* which dealt only with the effect on British subjects of the separate termination of a commercial treaty in respect of a particular British possession. In the case of ships it is not clear that it is not possible to apply the test of locality, because British ships may be registered locally. If Sir E. Grey concurs in this suggestion, he will doubtless agree that in the reference to the Law Officers it would be necessary to distinguish between treaties (like that with Russia) which define British vessels and those (like that with Norway) which do not.

6. Mr. Harcourt would like to have an opportunity of expressing an opinion on the terms of the reference before it is actually submitted, and he would suggest that the Board of Trade might be invited to submit any observations which they may have to offer on the subject before the preparation of the reference is taken in hand.

I am, &c.,
H. W. JUST.

6854

No. 372.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 26th February, 1913.)

(Secret.)

SIR, Government House, Ottawa, 13 February, 1913.

WITH reference to your Secret despatch of the 1st February,‡ enquiring whether my responsible advisers have yet come to a decision as regards the application to Canada of the Anglo-Japanese Commercial Treaty of 1911, I have the honour to transmit, herewith, a copy of a letter, with enclosures, which I have received from the Prime Minister showing the present position of affairs.

I have, &c.,
ARTHUR.

Enclosure in No. 372.

From the PRIME MINISTER to the GOVERNOR-GENERAL.

Prime Minister's Office, Ottawa, Ontario, Canada,

February 8th, 1913.

SIR,

FOR the information of Your Royal Highness I beg to enclose herewith:—

- (1) Copy of official letter from myself to the Imperial Consul-General of Japan.
- (2) Copy of confidential letter from myself to the Imperial Consul-General of Japan.
- (3) Copy of draft Bill‡ which accompanied the official letter.

* No. 137 in Vol. VII. of Law Officers' Opinion.

† Reminder of No. 322.

‡ Not reprinted.

During the past two weeks I have had several confidential and quite satisfactory discussions with the Imperial Consul-General, to whom I have submitted copies of these letters before they were signed, and who has given them his approval. He is, of course, without definite instructions from his Government on the subject, except to facilitate and expedite the adherence of Canada to the new Treaty, if that can be accomplished.

A confidential blue book and accompanying memorandum are in course of preparation. These will be presented to Your Royal Highness for the purpose of transmission to the Secretary of State for the Colonies as soon as they shall have been completed. The memorandum alluded to will probably be ready within a few days, but the blue book, which is a somewhat extensive compilation of all documents relating to the subject, may not be ready for some weeks.

I have, &c.,
R. L. BORDEN.

To His Royal Highness
The Governor-General,
Ottawa.

From the PRIME MINISTER to CONSUL-GENERAL OF JAPAN.

SIR, Ottawa, Ontario, 7th February, 1913.

1. I HAVE the honour to inform you that the Government are willing to submit to the Parliament of Canada an Act by which Canada shall adhere to the Treaty of Commerce and Navigation between the United Kingdom and Japan, signed at London on the 3rd April, 1911.

2. The adherence of Canada would be upon the conditions and with the proviso set forth in the enclosed draft Bill, which is submitted for the consideration of the Imperial Japanese Government.

3. The proviso that the Treaty shall not be deemed to repeal or affect any of the provisions of the Immigration Act follows the language which was approved by the Imperial Japanese Government in relation to the recent Treaty negotiated with the United States of America.

4. The Imperial Japanese Government are doubtless aware, as the fact is, that the Immigration Act applies to the immigration of aliens into Canada from all countries, including the British Empire itself, and makes no discrimination in favour of any country. It is not perceived, therefore, that your Government will have any objection to the embodiment in the enclosed draft Act of Parliament of the proviso which has already been agreed to in the case of the United States.

I have, &c.,
R. L. BORDEN.

Honourable T. Nakamura,
Consul-General of Japan,
385, Laurier Avenue, E.,
Ottawa, Ontario.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

(1) The Treaty of 3rd April, 1911, between His Majesty the King and His Majesty the Emperor of Japan, set forth in the schedule to this Act, is hereby sanctioned and declared to have the force of law in Canada: Provided that—

(a) Nothing in the said Treaty or in this Act shall be deemed to repeal or affect any of the provisions of the Immigration Act;

(b) Article VIII of the said Treaty shall be deemed not to apply to Canada.

From the PRIME MINISTER to CONSUL-GENERAL OF JAPAN.

(Confidential.)

MY DEAR MR. NAKAMURA,

Ottawa, Ontario, 7th February, 1913.

REFERRING to our very friendly and frank discussion respecting the possible adherence of Canada to the Treaty between the United Kingdom and Japan, signed at London on the 3rd April, 1911, I have the honour to direct your attention to the following considerations:—

1. In the Treaty of 1911 negotiated between the United States and Japan, the proviso contained in Article 2 of the Treaty of 1894 was omitted. The United States Senate, however, gave its ratification to the new Treaty only upon the understanding that it should not be deemed to repeal or affect any of the provisions of the Act of Congress entitled "An Act to Regulate the Immigration of Aliens into the United States, approved February 20th, 1907." This understanding was embodied in the President's proclamation (C.D. 38), the first paragraph of which is as follows:—

"And whereas, the advice and consent of the Senate of the United States to the ratification of the said Treaty was given with the understanding that the Treaty shall not be deemed to repeal or affect any of the provisions of the Act of Congress entitled An Act to Regulate the Immigration of Aliens into the United States, approved February 20th, 1907."

The Japanese Ambassador at Washington also signed and published a declaration providing for the maintenance of existing control by the Japanese Government of the emigration of labourers (C.D. 39), as follows:—

"In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States, the undersigned, Japanese Ambassador in Washington, duly authorized by his Government, has the honour to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of labourers to the United States.

Y. UCHIDA."

February 21st, 1911.

2. The laws of Canada relating to immigration were amended and consolidated in 1910, by Chapter 27, assented to 4th May, 1910, and cited as "The Immigration Act." The provisions of this Act are of universal application and are used to restrict immigration not only from foreign countries, but from countries within the British Empire. Both political parties assented thereto, and there is no difference of opinion as to the necessity of these or similar provisions, for reasons which have been frequently debated in Parliament and are thoroughly realized and supported by public opinion in Canada.

3. A proviso or stipulation that the Treaty shall not repeal our Immigration Act need not interfere with existing arrangements between the Japanese Government and the Government of Canada, so long as the immigration of labourers, artisans, &c., from Japan is restricted within proper and reasonable limits.

4. It is to be noted that the Act of 1910 was passed during the currency of the Treaty of 1894, and it may be suggested that it was not in conflict with the Canadian Act of 1907, which brought that Treaty into force. If that were conceded it would naturally follow that the Treaty of 1911 would not repeal any provision of the Immigration Act of 1910. It is desirable, however, to avoid any future difference of opinion, and for that purpose to arrive at a perfect understanding on this subject before Canada adheres to the Treaty.

5. There is a very strong public opinion in Canada that our own Government and Parliament must control immigration, not only from foreign countries, but from other portions of the British Empire. The Imperial Japanese Government will doubtless realize the importance which must be attached to public opinion of this character, especially as the legislative provisions now in force create no discrimination either against or in favour of any country and are even applicable to our own Empire.

6. The Government would desire, in presenting the Treaty to Parliament, to make public an assurance from the Imperial Japanese Government that the policy of that Government in regard to the restriction of Japanese emigration to Canada

will be maintained, notwithstanding the provisions of the new Treaty. It is suggested that such understanding might be embodied in the following language:—

"The Imperial Japanese Government are fully prepared to maintain, and intend to maintain with equal effectiveness, the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada. The understanding arrived at between the two Governments in 1908 on the subject of emigration will not be in any way affected by the adherence of Canada to the Treaty signed at Tokio on the third of April, 1911."

I have, &c.,
R. L. BORDEN.

Honourable T. Nakamura,
Consul-General for Japan,
385, Laurier Avenue, E.,
Ottawa.

4977

No. 373.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Foreign Office, 28 February, 1913. L.F.]

(No. 80.)

MY LORD,

Downing Street, 26 February, 1913.

I HAVE the honour to acknowledge the receipt of your despatch, No. 193, of 27th December last,* on the subject of legislation with regard to the settlement of gum lands. I have also under my consideration the terms of Act No. 31 of 1912, copies of which accompanied Lord Islington's despatch, No. 180, of 21st November, last.†

2. I am glad to learn that your Ministers are prepared to amend the Act so as to make it conform with the obligations of the Dominion under treaties.

3. After consultation with the Secretary of State for Foreign Affairs, I am advised that the following treaties, which make provision for national treatment of alien subjects or citizens in respect of the acquisition of real property, are binding on New Zealand:—

Treaty with Italy of 1883.
Treaty with Greece of 1886.
Treaty with Nicaragua of 1905.
Treaty with Uruguay of 1885.

4. Further, the national treatment which is required under these treaties to be accorded to the subjects or citizens of Italy, Greece, Nicaragua, and Uruguay must be extended to those of Russia, Switzerland, and Colombia, in virtue of the most-favoured-nation treatment which these three latter countries are entitled to claim under the Commercial Treaties with the United Kingdom, all of which are applicable to New Zealand.

I have, &c.,
L. HARCOURT.

7177

No. 374.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 1st March, 1913.)

TELEGRAM.

[Copy to Foreign Office, 3 March, 1913. L.F.]

[Answered by No. 415.]

Your telegram of 21st February.‡ Treaty with Colombia. The reply is in the affirmative.—DESMAN.

* No. 359.

† 91: not printed.

‡ No. 370.

7303

No. 375.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3 March, 1913.)

SIR,

Foreign Office, March 1, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 4491/13, of the 20th ultimo,* respecting the position of British Canadian and Indian subjects as regards registration of trade marks, &c., in Japan.

In reply, I am to state, for the information of Mr. Harcourt, that Sir E. Grey concurs in the terms of the despatch which it is proposed to address to the Canadian Government.

As regards the other points raised in your letter, I am to state that Sir E. Grey is requesting His Majesty's Chargé d'Affaires at Tokio to furnish a report on the matter.

I am, &c.,
W. LANGLEY.

7605

No. 376.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 March, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from the Acting British Consul-General, Monrovia, dated February 8, respecting the Anglo-Liberian Commercial Treaty: termination in respect of Norfolk Island.

Reference to previous letter: to Colonial Office, January 21, 1913.†

Foreign Office,

March 4, 1913.

Enclosure in No. 376.

(No. 3. Commercial.)

SIR,

British Consulate-General, Monrovia, 8th February, 1913.

ON receipt of your despatch, No. 1, Commercial (1962/13), of the 21st ultimo, instructing me, for the purpose of terminating the existing Anglo-Liberian Treaty of Commerce in respect of Norfolk Island, to obtain the permission of the Liberian Secretary of State to alter my Note of the 21st December, in which such termination was proposed in respect of Papua only, I lost no time in communicating your wishes to the State Department.

I have to-day received the Liberian Secretary of State's reply, of which I enclose a copy, concurring in the alteration of my Note, and thus terminating the Commercial Treaty of 1848 in respect of Norfolk Island also.

I have, &c.,
R. C. F. MAUGHAM.

His Majesty's Principal

Secretary of State for Foreign Affairs,
The Foreign Office, London.

(No. 77. Consular. (F.))

Department of State, Monrovia, Liberia,

February 7th, 1913.

SIR,

IN reply to your despatch, No. 7, L.A., dated the 4th of the present month, with reference to the exchange of notes which took place between yourself and the Department in December last, terminating the Anglo-Liberian Commercial Treaty

* No. 368.

† No. 353.

in respect of certain British dependencies in the southern seas, I beg to say that I am in full accord with your suggestion as the simplest way of remedying the somewhat curious situation which has been inadvertently created with respect to Norfolk Island, and do, therefore, grant you the permission to alter your Note of the 21st December in the manner indicated in your said despatch.

With renewed assurances of my respectful consideration,

I have, &c.,
C. D. B. KING,
Secretary of State.

His Britannic Majesty's
Acting Consul-General,
Monrovia.

4491

No. 377.
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 186.)

SIR,

Downing Street, 8 March, 1913.

I HAVE the honour to acknowledge the receipt of Sir Charles Fitzpatrick's despatch, No. 550, of the 10th of October last,* on the subject of the treatment accorded to Canadian British subjects desirous of obtaining patents of invention and trade mark rights in Japan.

2. In reply I have to request Your Royal Highness to invite the attention of your Ministers to the principles regarding the rights of British subjects under the Treaty of 1894 with Japan and the Industrial Property Convention of 1883, which were explained in Mr. Chamberlain's Circular despatch of the 2nd of December, 1899,† a copy of which is enclosed for facility of reference. These principles are held by His Majesty's Government to apply equally to the Treaty with Japan of 1911, although the provisions of that Treaty have not yet been made applicable to the Dominion of Canada. His Majesty's Government accordingly directed His Majesty's Ambassador at Tokio to make appropriate representations to the Japanese Government on the subject, both with regard to the case of Canadian British subjects and British Indian subjects.

3. I now transmit to you, for the information of your Ministers, the accompanying copy of a despatch from the Chargé d'Affaires, dated the 8th of January‡ from which they will observe that the Japanese Government have in practice conceded the principle that all persons who enjoy the full status of British subjects, which, of course, belongs to Canadian British subjects, shall be entitled to the benefits conferred on British subjects generally by the Treaty of 1911, and by the Convention for the Protection of Industrial Property.

4. Any Canadian British subjects who are desirous of securing registration of trade marks or patents should comply with the procedure laid down by the Japanese Government, and, in case of difficulty, should refer to His Majesty's Chargé d'Affaires, who will afford them any possible assistance in the matter.

5. I trust that this result will be satisfactory to your Government.

I have, &c.,
L. HARCOURT.

6854

No. 378.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

SIR,

Downing Street, 8 March, 1913.

WITH reference to the letter from this Department of the [20th November last§] [4th August, 1911||], I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey] [the Board of Trade], a copy of a despatch¶ from the Governor-General of Canada forwarding copies of

* No. 306.

† 30482/99: not reprinted.

‡ Enclosure in No. 362.

§ L.F. transmitting copy of No. 322. || L.F. transmitting copy of No. 327 in Dominions No. 39.

¶ No. 372.

correspondence on the subject of the application to Canada of the Anglo-Japanese Commercial Treaty of 1911.

[To Foreign Office only: 2. I am also to enclose with reference to your letter of the 10th October last,* a copy of a despatch† to the Officers Administering the Governments of the self-governing Dominions, informing them of the interpretation of Articles 1 and 8 of the Treaty agreed upon by His Majesty's Government and the Government of Japan.]

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

8327

No. 379.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 March, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith copy of a despatch to His Majesty's Representative at Bogota, dated March 8, on the subject of the Anglo-Colombian Treaty of 1866.

Reference to previous letter: Colonial Office, March 3.‡

Foreign Office,
March 10th, 1913.

Enclosure in No. 379.

(No. 1. Treaty.)

SIR,

Foreign Office, March 8th, 1913.

I TRANSMIT to you herewith a copy of a letter from the Colonial Office, requesting that notification may be made to the Colombian Government of the termination of the Treaty of Commerce of February 16th, 1866, in respect of the Commonwealth of Australia.

I request that you will take steps accordingly, in conformity with the terms of the Protocol signed at Bogota on August 20th, 1912, and add that it is desired also to terminate the said Treaty in respect of Papua and Norfolk Island.

You should report in due course the date on which this notification is made by you to the Colombian Government.

I am, &c.,
EYRE A. CROWE
(for Sir E. Grey).

P. C. H. Wyndham, Esquire,
&c., &c., &c.

8441

No. 380.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12 March, 1913.)

[Answered by No. 383.]

SIR,

Foreign Office, March 11, 1913.

WITH reference to the letter from this Department of the 2nd January§ respecting the termination of the Anglo-Norwegian Commercial Treaty of 1826 in respect of the self-governing Dominions, I am directed by Secretary Sir E. Grey to transmit to you herewith copy of a despatch from His Majesty's Minister at Christiania reporting that the Norwegian Minister for Foreign Affairs is prepared to sign a Protocol to this effect, drawn up in the same terms as that recently concluded with Denmark.

* No. 302.

† No. 305.

‡ L.F. transmitting copy of No. 374.

§ No. 347.

As, however, the Norwegian Government desire that the agreement should be ratified by the King of Norway after approval by the Storting, Sir E. Grey is of opinion that it should take the form of a Convention concluded by His Majesty instead of a Protocol concluded by His Majesty's Government. The draft enclosed in Mr. Findlay's despatch has been altered with this aim in view, and, subject to Mr. Harcourt's concurrence, Mr. Findlay will be instructed to submit it to the Norwegian Government and to sign it as soon as they agree to it in its altered form. Copies of both the draft Protocol as agreed to by the Norwegian Government and the draft Convention now submitted are enclosed herewith.

I am, &c.,
A. LAW.

Enclosure 1 in No. 380.

(No. 14. Commercial.)

SIR, Christiania, February 25, 1913.
With reference to Mr. Lindley's despatch, No. 108, Commercial, of December 21st last, I have the honour to transmit, herewith, copy of a note from Mr. Ihlen, Norwegian Minister for Foreign Affairs, transmitting a draft Protocol, which the Norwegian Government are ready to sign, on the subject of the application of the Anglo-Norwegian Commercial Treaty of 1826 to the Dominions.

This Protocol appears to correspond, *mutatis mutandis*, with the Anglo-Danish Declaration of 1912 enclosed in your despatch, No. 49, Commercial, of December 9th last, the terms of which are satisfactory to the Secretary of State for the Colonies. It will be observed, however, that a ratification clause has been added, which is due to the fact that the Declaration must be approved by the Storting before it becomes operative, as reported in Mr. Lindley's above-mentioned despatch.

The Right Honourable
Sir E. Grey, Bart., K.G., M.P.,
&c., &c., &c.

I have, &c.,
M. DE C. FINDLAY.

Ministère des Affaires Etrangères,

MONSIEUR LE MINISTRE :—

Kristiania, le 22 février, 1913.
En me référant aux pourparlers antérieurs au sujet de la Déclaration projetée en vue de réserver à certaines possessions Britanniques la faculté de faire cesser séparément les effets de la Convention de Commerce et de Navigation signée le 18 mars 1826, j'ai l'honneur de porter à votre connaissance que le Gouvernement norvégien, pour répondre aux désirs exprimés par votre Gouvernement lors desdits pourparlers, est disposé à conclure une Déclaration conforme à l'avant-projet joint à la présente lettre. Le dernier alinéa du texte du projet est du au fait que la Déclaration doit être mise à l'approbation du Storting.

Monsieur Findlay,
Ministre de Sa Majesté Britannique,
Kristiania.

Veuillez agréer, &c.,
IHLEN.

DRAFT PROTOCOL AS AGREED TO BY NORWEGIAN GOVERNMENT.

Declaration between the Government of Norway and Great Britain relating to the Amendment of the Convention of Commerce and Navigation of March 18th, 1826.

Whereas it is desirable to make special provision with regard to the application of the Convention of Commerce and Navigation between Norway and Great Britain of March 18th, 1826, to certain parts of His Britannic Majesty's Dominions, viz.: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the Government of His Majesty the King of Norway and the Government of His Britannic

Majesty hereby agree that either of the contracting Parties shall have the right to terminate the said Convention with respect to any or all of the above-mentioned Dominions at any time, on giving twelve months' notice to that effect.

It is further agreed that should the said Convention cease, in pursuance of this Protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the contracting Parties.

The present Declaration shall be ratified, and the ratifications shall be exchanged, at Kristiania as soon as possible.

In witness whereof the undersigned have signed the present Declaration in duplicate and have affixed thereto their seals.

Done at Kristiania the 1913.

Enclosure 2 in No. 380.

Convention between Norway and Great Britain relating to the Amendment of the Convention of Commerce and Navigation of March 18th, 1826.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Norway, being desirous of making special provision with regard to the application of the Convention of Commerce and Navigation between Great Britain and Norway of March 18th, 1826, to certain parts of His Britannic Majesty's Dominions, have named as their Plenipotentiaries for this purpose :—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,

and His Majesty the King of Norway,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows :—

Whereas it is desirable to make special provision with regard to the application of the Convention of Commerce and Navigation between Norway and Great Britain of March 18th, 1826, to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the High Contracting Parties hereby agree that either of them shall have the right to terminate the said Convention with respect to any or all of the above-mentioned Dominions at any time, on giving twelve months' notice to that effect.

It is further agreed that should the said Convention cease, in pursuance of the present Convention, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the High Contracting Parties.

The present Convention shall be ratified, and the ratifications shall be exchanged, at Kristiania as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have affixed thereto their seals.

Done at Kristiania the 1913.

7605

No. 381.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 165.)

My Lord,

Downing Street, 13 March, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 271, of the 26th of November,* on the subject of the position of Papua and Norfolk Island under the Anglo-Liberian Commercial Treaty of 1848.

2. Your Ministers will have learnt from my despatch, No. 449, of the 6th of November,* that instructions had already been given to His Majesty's representative at Monrovia to give notice of the termination of the application of the treaty to the territory of Papua, and I now enclose copies of despatches† from the Acting Consul-General reporting that steps have been taken to arrange for the termination of the treaty in respect of Norfolk Island also.

I have, &c.,
L. HARCOURT.

8931

No. 382.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 17 March, 1913.)

[Answered by No. 392.]

SIR,

Foreign Office, March 15, 1913.

WITH reference to your letter of the 15th ultimo, 3829,‡ I am directed by Secretary Sir E. Grey to enclose a draft of two articles which it is proposed to insert henceforward in extradition treaties between this country and foreign States, and I am to state that Sir Edward would be glad to learn, at Mr. Secretary Harcourt's early convenience, whether he concurs in their terms, or, if not, if he will make any change in them he may consider necessary.

It seems also to be a question whether Protectorates might not also, with advantage, be mentioned in the second of these draft articles (B), seeing that now practically all the British Protectorates have enacted municipal laws with regard to the surrender of criminals, and the words "so far as the law will allow" seem to safeguard any technical difficulty that might arise.

On receipt of your reply settling the wording of these articles, Sir Edward Grey thinks it will be proper to consult the India Office as to the propriety of including British India in the exceptions named in Article A. Some progress may then be possible with the negotiations which are pending with Japan and Brazil.

I am, &c.,
EYRE A. CROWE

Enclosure in No. 382.

PROPOSED COLONIAL ARTICLES IN EXTRADITION TREATIES.

A.

The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign Possessions of His Britannic Majesty, except to those hereinafter named, that is to say, except to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, provided always that the stipulations of the present Treaty shall be made so applicable to any of the above-named parts of His Majesty's Dominions in respect of which notice to that effect shall have been given by His Britannic Majesty's Representative at within one year from the date of ratification, and provided also that it shall be competent for either contracting party to terminate the application of this Treaty to the above-named parts of His Majesty's Dominions on giving twelve months' notice to that effect.

B.

The requisition for the surrender of a fugitive criminal, who has taken refuge in any of His Britannic Majesty's Colonies or foreign Possessions to which this Treaty applies shall be made to the Governor, or chief authority, of such Colony or Possession by the chief consular officer of in such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign Possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

* No. 313.

† Enclosures in Nos. 353 and 376.

‡ No. 366.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of fugitive criminals who may take refuge within such Colonies and foreign Possessions, on the basis, so far as the law of such Colony or foreign Possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign Possession of His Britannic Majesty shall be governed by rules laid down in the preceding Articles of the present Treaty.

8441

No. 383.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 412.]

SIR,

Downing Street, 17 March, 1913.

WITH reference to your letter of the 11th instant,* relative to the position of the self-governing Dominions in regard to the Anglo-Norwegian Commercial Treaty of 1826, I am directed by Mr. Secretary Harcourt to state that he concurs in Secretary Sir Edward Grey's proposal to instruct His Majesty's Minister at Christiania to submit the draft Convention of which a copy was enclosed in your letter to the Norwegian Government and to sign it as soon as it is agreed to by that Government.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

9540

No. 384.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22 March, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Chargé d'Affaires at Tokio, No. 56, dated March 1, 1913, respecting trade mark rights in Japan of Canadians and Indians.

Foreign Office,
March 20, 1913.

Enclosure in No. 384.

(No. 56.)

SIR,

Tokyo, March 1st, 1913.

WITH reference to my despatch, No. 6, of January 8th, I have the honour to forward herewith copy of a despatch from the Commercial Attaché to this Embassy on the subject of the registration of trade marks belonging to British subjects from India or Canada.

I have, &c.,
HORACE RUMBOLD.

The Right Honourable

Sir E. Grey, Bart., K.G.,
&c., &c., &c.

SIR,

February 28th, 1913.

WITH reference to the question of the refusal of the Patent Bureau to accept for registration trade marks belonging to British subjects from India or Canada, I have the honour to enclose copy of a private letter which I have received from Mr. de Havilland's representative.

* No. 380.

I have asked him to keep me fully posted as to further developments.

In the meantime it is interesting to note that, according to the February Trade Mark Journal, I find that on the 11th January, 1913, under No. 56956, a trade mark "Hercules" was registered in Class 20 for cycles, motor cars, and parts for the Canada Cycle and Motor Company, Limited, of West Toronto, Ontario, Canada.

The registration was made through a Japanese Patent Agent, and I have not yet been able to find out how he worded his application, but the precedent will be valuable should there be any difficulty in future.

I have, &c.,
E. F. CROWE,
His Majesty's Commercial Attaché.

H. Rumbold, Esq., M.V.O.,
His Britannic Majesty's Chargé d'Affaires,
Tokio.

3, Mitsu Bishi Building, Yayascho, Tokio,
27th February, 1913.

DEAR CROWE,

You may be interested to hear that I have had another Canadian patent application. The applicant, Isidore Therrien, describes himself in the power of attorney as a Canadian, and the notarial certificate describes him as a "subject of Canada." When filling up the official Japanese form of application, I naturally described the man as a British subject, but in spite of this the patent officials refused to accept the application and returned it to me. I therefore sent round my man next morning to tell the officials that they had no right to refuse an application from a British subject, and that if the certificate of nationality did not seem to them to be in order they must first accept the application and then issue a notice calling for a proper certificate. The application was thereupon accepted and given the number 3177. Curiously enough, though the application was filed on the 21st January, I have not received any request for a fresh certificate of nationality; but this seems to be on a par with carelessness of the patent officials in other ways that I have experienced lately, to a greater extent perhaps than usual. Anyhow, I wrote at once to the agents, who sent me the case instructing them as to the necessary documents, according to what you told me for the previous case.

E. F. Crowe, Esq.,
Yokohama.

Yours very truly,
H. F. CAHUSAC.

7303

No. 385.

COLONIAL OFFICE to BOARD OF TRADE.

SIR, Downing Street, 20 March, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, copies of the correspondence* noted in the margin, on the subject of the treatment accorded to British Canadian and Indian subjects desirous of obtaining patent and trade marks rights in Japan.

Acting Governor-General, Canada, No. 550,
10th October, 1912.
To Foreign Office, 1st November, 1912.
Foreign Office to Colonial Office, 9th November, 1912.
Foreign Office, 20th November, 1912.
To Foreign Office, 29th November, 1912.
Foreign Office, 2nd January.
Foreign Office, 7th February.
To Foreign Office, 20th February.
Foreign Office, 1st March.
To Governor-General, No. 186, 8th March.

2. It is understood that a letter was addressed to you by the Foreign Office on the subject in similar terms to that of the 26th August, 1912,† referred to in the letter from this Department to the Foreign Office of the 1st November last.‡

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* Nos. 306, 310, 315, 321, 324, 346, 362, 375, and 377.

† No. 272.

‡ No. 310.

9707

No. 386.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22 March, 1913.)

[Copy to Board of Trade and Foreign Office, 29 March, 1913. L.F.]

(Secret.)

SIR, Government House, Ottawa, 8 March, 1913.

I HAVE the honour to transmit, herewith, for your information, a copy of a letter that I have received from Mr. Borden enclosing copies of correspondence with the Consul-General for Japan, on the subject of the proposed adherence of Canada to the Treaty of Commerce and Navigation between Japan and Great Britain.

I have, &c.,
ARTHUR.

Enclosure in No. 386.

The PRIME MINISTER to the GOVERNOR-GENERAL.

SIR, Ottawa, 1st March, 1913.

I BEG to enclose, for the information of Your Royal Highness, the following documents:—

- (1) Copy of an official letter, under date 1st March, from the Consul-General of Japan to myself.
- (2) Copy of Confidential letter of the same date from the Consul-General of Japan to myself.
- (3) Copy of further Confidential letter of the same date from the Consul-General of Japan to myself.

These letters have been addressed to me by the Consul-General under instructions conveyed to him by cable from the Imperial Government of Japan.

I have, &c.,
R. L. BORDEN.

(Confidential.)

Imperial Consulate-General for Japan,
385, Laurier Avenue East, Ottawa,
March 1st, 1913.

MY DEAR MR. BORDEN,

REFERRING to my Confidential letter of to-day, which I left with you this morning at your office, I beg to say that it is the desire of the Imperial Government to make the declaration therein mentioned after the proposed Bill concerning the adherence of Canada to the Anglo-Japanese Treaty of April 3rd, 1911, has passed the Parliament of Canada. I desire to talk with you personally in this respect at our next-interview which I will arrange through your Private Secretary.

Yours very sincerely,

T. NAKAMURA,
Consul-General of Japan.

The Right Honourable R. L. Borden,
Prime Minister of Canada, Ottawa.

(Confidential.)

Imperial Consulate-General for Japan,
385, Laurier Avenue East, Ottawa,

MY DEAR MR. BORDEN,

March 1st, 1913.

I HAVE the honour to acknowledge the receipt of your note, marked "Confidential," of the 7th ultimo, relative to the proposed adherence of Canada to the Treaty of Commerce and Navigation between Japan and Great Britain, signed at London on the 3rd April, 1911, and it gives me great pleasure to express to you, in the name of my Government, the high satisfaction which the decision of the Canadian Government to adhere to the Treaty above referred to has afforded them, not only in

the sense that it will draw still closer the friendly relations now existing between Canada and Japan, but also in the belief that it will greatly strengthen the alliance between Japan and Great Britain.

The Imperial Government are also very happy to be able to state that they entirely concur in the views contained in your note under acknowledgment. With respect, however, to the assurance to be given to Canada by the Imperial Government regarding the carrying out of the understanding arrived at between our Governments about the restriction of Japanese immigration referred to in the last part of your note, the Imperial Government desire that it shall be embodied in the declaration in the following terms:—

"The undersigned, His Imperial Japanese Majesty's Consul-General at Ottawa, duly authorised by his Government, has the honour to declare that the Imperial Japanese Government are fully prepared to maintain and intend to maintain with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

As this declaration will be published by both Governments the Imperial Government are desirous to make it almost identical with that given, on the same question, to the American Government in 1911, and as it differs in no wise in substance from that proposed in your note, I feel assured that it will meet with your approval.

I beg to add that I am instructed by my Government to request you to be good enough to favour me with your reply to the proposal above mentioned.

I have, &c.,

T. NAKAMURA,

Consul-General of Japan.

The Right Honourable R. L. Borden,
Prime Minister of Canada, Ottawa, Ontario.

Imperial Consulate-General of Japan,

Ottawa, March 1st, 1913.

SIR,

I HAVE the honour to acknowledge the receipt of your note, dated the 7th ultimo, stating that your Government are willing to submit to the Parliament of Canada an Act by which Canada shall adhere to the Treaty of Commerce and Navigation between Japan and Great Britain, signed at London on the 3rd of April, 1911, and enclosing, for the consideration of the Imperial Government, a draft Bill setting forth the conditions and proviso upon which the adherence of Canada will depend.

Having reported the matter at once to my Government, I am now in receipt of a reply stating that the Imperial Government have no objection to the proposed Bill, and that they feel assured that the Immigration Act of Canada of 1910 being applicable, as stated in your note, to the immigration of aliens into the Dominion of Canada from all countries, including the British Empire itself, no discrimination will be made against Japanese subjects in this respect.

I have, &c.,

T. NAKAMURA,

Consul-General of Japan.

The Right Honourable R. L. Borden,
Prime Minister of Canada, Ottawa, Ontario.

10901

No. 387.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 April, 1913.)

(Secret.)

SIR,

Government House, Ottawa, 19 March, 1913.

I HAVE the honour to forward, herewith, for your information, copy of a letter from the Prime Minister, dated 17th March, 1913, respecting the adherence of Canada to the Japanese Treaty of 1911.

I have, &c.,

ARTHUR.

Enclosure in No. 387.

From the PRIME MINISTER to the GOVERNOR-GENERAL.

SIR,

Ottawa, March 17th, 1913.

I BEG to forward herewith three copies each of the following documents:—

1. Confidential documents* relating to commercial relations between Japan and Canada.
2. Secret memorandum* setting forth considerations touching Canada's adherence to the Japanese Treaty of 1911.

One copy of each document is for the use of Your Royal Highness, one for the Colonial Office, and one for the Foreign Office.

I have, &c.,

R. L. BORDEN.

11133

No. 388.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 April, 1913.)

[Answered by No. 390.]

SIR,

Foreign Office, April 3rd, 1913.

WITH reference to the letter from this Office of February 21st last,† on the subject of the termination of the Anglo-Costa Rican Treaty of 1849 in respect of His Majesty's self-governing Dominions, I am directed by Secretary Sir E. Grey to transmit to you, herewith, a copy of a despatch from His Majesty's Minister at Panama on the subject.

Sir C. Mallet now suggests, as Mr. Secretary Harcourt will observe, a form of agreement differing in many respects from the draft Protocol originally proposed, and which, from Sir C. Mallet's despatch, No. 6, Commercial, of January 23rd last, it was understood that the Costa Rican Government was willing to accept. It is, in Sir E. Grey's opinion, neither necessary nor desirable that an agreement between the two countries on this subject should be subjected to the very formal and somewhat complicated procedure of ratification by His Majesty the King, and agreements on such subjects have only been ratified in the past when the foreign Governments concerned have insisted upon it being done, *e.g.*, in the case of Norway recently.

Sir E. Grey proposes therefore, if Mr. Harcourt concurs, to instruct Sir C. Mallet to endeavour to persuade the Costa Rican Government to agree to the Protocol as originally drawn up, and as was recently accepted by the Colombian Government.

I am also to enquire whether in Mr. Harcourt's opinion it will be necessary that the usual provision respecting Norfolk Island and Papua should be inserted in the Protocol, specific instructions on this latter point having hitherto only been sent to His Majesty's Representatives in certain countries, *vide* Colonial Office letter, 40824/1911, of January 30th, 1912.‡

I am, &c.,

A. LAW.

Enclosure in No. 388.

(No. 6. Treaty.)

SIR,

British Legation, Panama, March 5th, 1913.

WITH reference to your despatch, No. 9, Commercial, of October 20th, 1911, instructing me to negotiate an amendment to the Treaty with Costa Rica concluded on November 27th, 1849, so as to secure liberty for certain of His Majesty's possessions to withdraw, separately, from its operation if desired by any one of them, I have the honour to submit a draft Protocol that the Government of Costa Rica is willing to agree to.

* Not printed.

† No. 362.

‡ No. 251 in Dominions No. 39.

If the English and Spanish text* of the proposed amendment meets with your approval, I hope you will authorise me, by telegraph if possible, to arrange with the Government of Costa Rica to sign them on the earliest date that is convenient.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.,

I have, &c.,
C. MALLET.

DECLARATION BETWEEN THE GOVERNMENTS OF GREAT BRITAIN AND COSTA RICA
RELATING TO THE AMENDMENT OF THE TREATY OF FRIENDSHIP, COMMERCE,
AND NAVIGATION OF NOVEMBER 27, 1849.

Whereas it is desirable that liberty should be reserved to certain of His Britannic Majesty's Dominions to withdraw from the Treaty between Great Britain and Costa Rica of November 27, 1849, without impairing the validity of the Treaty as between Costa Rica on the one hand and the United Kingdom and those of His Britannic Majesty's Possessions which may desire to remain bound by the said Treaty on the other;

Now therefore, the Government of His Britannic Majesty and the Government of the Republic of Costa Rica have agreed to introduce into the Treaty of Friendship, Commerce, and Navigation concluded between both parties on November 27, 1849, an emendation which shall set forth these terms, and for this purpose have named as their plenipotentiaries: His Majesty the King of Great Britain and Ireland; Sir Claude Coventry Mallet, Knight, Companion of the Most Distinguished Order of Saint Michael and Saint George, His Britannic Majesty's Minister, Resident to the Republics of Costa Rica and Panama, and His Excellency the President of the Republic of Costa Rica, who, after having communicated to each other their respective full powers, and having found them in good and due form, have agreed to draw up the emendation as follows:—

Article I.

The Government of His Britannic Majesty and the Government of Costa Rica agree by the present articles that the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland shall be enabled, separately, to withdraw from the Treaty of Friendship, Commerce, and Navigation signed with the Republic of Costa Rica on the 27th November, 1849, by giving twelve months' notice to that effect:

Nevertheless, the products and manufactures of each of the said British Possessions shall continue to enjoy in Costa Rica the favours, privileges, and immunities mentioned in Article IV. of the Treaty in question subject to the conditions therein stipulated, and reciprocally the products and manufactures of Costa Rica shall be entitled to the like treatment in the British Possessions above specified.

Article II.

The present Convention shall be duly ratified in both countries, and the ratifications shall be exchanged in San José de Costa Rica or in London, within twelve months of the date of signature.

In faith of which the undersigned Plenipotentiaries sign and seal the present Declaration in duplicate, one copy being in English and the other in Spanish in the
on the day of the month of
one thousand nine hundred and thirteen.

11779

No. 389.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 April, 1913.)

[Answered by No. 394.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of

* English text only printed.

State, transmits herewith copies of letters from the Board of Trade, dated March 26th, and to India Office, dated April 5th, respecting the Anglo-Russian Commercial Treaty in relation to His Majesty's self-governing Dominions.

Reference to previous letter: From Colonial Office, February 24 (4055/13).*

Foreign Office,
April 8th, 1913.

Enclosure 1 in No. 389.

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 26th March, 1913.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letters of February 3rd and March 3rd, relative to a Russian counterdraft of the proposed Protocol authorising the withdrawal of the British self-governing Dominions from the Anglo-Russian Commercial Treaty of 1859.

The Board concur with Sir E. Grey in regarding Articles 1, 2, and 3 of the counter-draft as unobjectionable. The Board also agree that Article 4 is inadmissible unless modified by the insertion of the word "foreign" before "country" in line 5 and the omission of all the words from "not" in the same line to "binding" in line 7, or, as an alternative, the substitution for these words of the following phrase, "excepting the United Kingdom and the Possessions and Protectorates of His Britannic Majesty." The Board presume that Article 5 of the counter-draft cannot be accepted without qualifications, having regard to the opinion given by the Law Officers on April 4th, 1911, a copy of which accompanied the letter from your Department of April 25th of that year.

As regards Article 6, the proposals now put forward appear to be conceived on the same lines as the provisions which already appear in the Russian Commercial Treaties with Austria-Hungary and Germany. Both these Treaties contain stipulations (a) allowing Russia to grant special trading facilities to the inhabitants of Northern and Eastern Siberia without being considered to have infringed the most-favoured-nation rights accorded by the Treaties; (b) providing certain facilities for "frontier traffic"; and (c) allowing of special arrangements between Russia and adjoining Asiatic countries.

Germany and Austria-Hungary, however, differ from the United Kingdom in not having any Asiatic possessions possessing any special importance from the point of view of international trade, and the Board are disposed to think that the provisions of Article 6 of the proposed Protocol are altogether too wide and indefinite to be accepted as they stand, besides being open to the objection that they are unilateral in character. They have consequently re-drafted the article in a form which His Majesty's Government might, in their opinion, be prepared to accept, and, subject to Sir E. Grey's approval, they would suggest that this re-draft (a copy of which is enclosed in duplicate) should be submitted for the consideration of the Russian Government.

Before, however, this is done, Sir E. Grey will no doubt consider it desirable to refer the re-draft to the India Office in order that the opinion of the Indian Government with regard to it may be ascertained. They observe that your letter of March 3rd invited their opinion upon the extent to which the interests of British overseas possessions in the matters covered by the article in question would be affected by the Russian proposals, and it will be noted that as now re-drafted the facilities to be accorded to neighbouring Asiatic States will be restricted to "natural products," while conditions will be reciprocal in form, so that the United Kingdom will secure the same rights for her Asiatic possessions as Russia will for hers. In view of this fact the Board do not think (apart from any possible Indian interests, e.g., as regards competition in Eastern Siberia with Korean rice) that the interests of His Majesty's overseas possessions are likely to be appreciably affected by the suggested arrangement, but the point is one mainly for the consideration of the Indian Government: the Colonial Office may also be concerned in it in regard to the interests of Hong Kong and of our leased territories in China.

Further, as the Russian Government appear to think the opportunity a favourable one for the revision of the Anglo-Russian Treaty in its bearing on the trade relations of Russia with the United Kingdom as well as with the Dominions, the

* No. 371.

Board are disposed to think that the opportunity might also be taken to secure a revision of Article V of the Treaty in a sense more favourable to British shipping interests. In this connexion I am to refer to your letter of January 19th, 1910, and subsequent correspondence, with regard to an amendment of the Russian passport Regulations whereby emigrants leaving Russia in Russian ships are granted passports at a considerably lower rate than emigrants leaving in foreign vessels. It will be recollected that His Majesty's Government expressed to the Russian Government the view that this preferential treatment of national over foreign shipping constituted a violation of the spirit of the Anglo-Russian Commercial Treaty of 1859, but that the latter Government declined to accept this view.

I am also to refer to the recent correspondence which commenced with your letter of October 28th last, with regard to the diversion by the Russian authorities of pilgrim traffic from British and other foreign vessels into Russian ships.

Although no representations are, for the present at least, being made by His Majesty's Government to the Russian Government in this latter case, the Board think that the Treaty of 1859 has been clearly shown to be defective in not expressly providing for equality of treatment of British with national vessels in the conveyance of *passengers* as well as goods. It was indeed this flaw in the Treaty that led them to suggest the inclusion of a reference to this matter in Article XVI of the Anglo-Japanese Treaty of 1911, which is reproduced in Article XI of the revised model draft Treaty.

They would accordingly suggest, for Sir E. Grey's consideration, that, in return for such concessions on the lines of Article VI of the counter-draft now under consideration as may be ultimately accepted, His Majesty's Government should propose the insertion in the Protocol of an additional Article in some such terms as the following, viz.:—

"Each of the contracting parties shall permit the carriage of passengers from or to their respective territories upon the vessels of the other, and such vessels and their passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their passengers."

The Board are also disposed to suggest that the Russian Government might at the same time be invited to agree to the substitution of Article XII of the "model draft" for the existing Article VIII of the Anglo-Russian Treaty of 1859.

The Board note the reply which Sir E. Grey proposes to return to the Russian Government with regard to the conclusion of a Consular Convention.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

RE-DRAFT of Article 6 of the counter-draft Protocol proposed by the Russian Government..

6. Paragraph 2 of additional Article 2 of the Treaty of 31st December, 1858/12th January, 1859, shall be replaced by the following:—

(2) Exemptions or advantages in the matter of import or export duties which are or may be granted—

(a) in favour of the inhabitants of Archangel or of the northern or eastern littoral of Asiatic Russia (Siberia), or

(b) for the purpose of facilitating frontier traffic along the land frontier of either of the contracting States in respect of goods which both originate and are destined for consumption within a zone extending 15 kilometres on each side of the frontier, or

(c) in favour of the natural products of Asiatic countries coterminous with the territories and Protectorates of either of the contracting States,

so long as no such exemptions or advantages are extended to goods the produce of or imported from the territories of any other foreign State.

Enclosure 2 in No. 389.

Foreign Office, April 5, 1913.

SIR,

I AM directed by Secretary Sir E. Grey to state, for the Marquess of Crewe's information, that proposals have recently been made to the Russian Government with a view to secure for His Majesty's self-governing Dominions the right to withdraw from the Anglo-Russian Commercial Treaty of 1859.

A reply has now been received from the Russian Government setting forth the conditions on which they would be prepared to accept His Majesty's Government's proposals, and forwarding a counter-draft of the Protocol submitted by His Majesty's Government, which they suggest should be signed by the two Governments.

Sir E. Grey has been in consultation with the Board of Trade and the Colonial Office on the matter as far as the proposals of the Russian Government concern those Departments, and I am now to transmit to you herewith the text of Article 6 of the Russian counter-draft, together with an alternative draft of that article which has been proposed by the Board of Trade. Before the re-draft of this article is submitted to the Russian Government, Sir E. Grey would be glad to be in possession of the views of the Government of India.

As regards the extent to which the interests of British overseas possessions in the matters covered by Article 6 would be affected by the Russian proposals, it will be observed that by the article as now re-drafted by the Board of Trade the facilities to be accorded to neighbouring Asiatic States will be restricted to "natural products," while conditions will be reciprocal in form, so that the United Kingdom will secure the same rights for her Asiatic possessions as Russia will for hers. In view of this fact the Board of Trade do not think that (apart from any possible Indian interests, e.g., as regards competition in Eastern Siberia with Korean rice) the interests of His Majesty's overseas possessions are likely to be affected appreciably by the suggested arrangement, but the point is one mainly for the consideration of the Indian Government.

I am, &c.,
A. LAW.

The Under-Secretary of State,
India Office.

11133

No. 390.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 9 April, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd instant,* forwarding a copy of a despatch from His Majesty's Minister at Panama regarding the termination of the Anglo-Costa Rican Treaty of 1849 in respect of His Majesty's self-governing Dominions.

2. Mr. Harcourt concurs in Secretary Sir Edward Grey's proposal to instruct Sir C. Mallet to endeavour to persuade the Costa Rican Government to agree to the protocol in the form recently accepted by the Colombian Government.

3. Mr. Harcourt thinks that the usual provision respecting Norfolk Island and Papua should be inserted in the protocol, as was done in the case of the protocol between the United Kingdom and Colombia.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

10901

No. 391.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 10 April, 1913.

WITH reference to your letter of the 27th ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey.

* No. 388.

† 10294: not printed.

a copy of a despatch* from the Governor-General of Canada, together with one set of the documents accompanying it, relative to the application to Canada of the Anglo-Japanese Commercial Treaty of 1911.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

8931

No. 392.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 411.]

SIR,

Downing Street, 11 April, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th of March,† enclosing a draft of two Articles which it is proposed to insert henceforth in extradition treaties between this country and foreign States.

2. In reply, I am to request that you will inform Secretary Sir E. Grey that Mr. Harcourt concurs generally in the proposed Articles, but he would suggest, for the sake of uniformity, that the terminology of the first of these Articles should be revised to bring it into more close accordance with the phraseology now adopted in commercial treaties (see your letter of the 19th of August and Colonial Office letter of the 30th of August, 1912‡). He would suggest, therefore, that the first Article should run as follows:—

"The stipulations of the present treaty shall be applicable, so far as the laws permit, to all His Britannic Majesty's Colonies and Possessions and Protectorates beyond the seas, except to the parts of His Majesty's dominions hereinafter named, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, provided always that the said stipulations shall be applicable to any of the above-named parts of His Majesty's dominions in respect of which notice to that effect shall have been given by His Britannic Majesty's representative at before the expiration of one year from the date of the exchange of the ratification of the present treaty, and provided also that it shall be competent for either of the contracting parties to terminate the application of this treaty to any of the above-named parts of His Majesty's dominions on giving twelve months' notice to that effect."

3. Mr. Harcourt observes that in the draft Articles Sir Edward Grey proposes to retain the words "so far as the laws permit," to which exception has been taken by the Japanese Government in the negotiations in connection with the Japanese Treaty. As the extradition law of the whole Empire is based on the Imperial Act of 1870 as subsequently amended, Mr. Harcourt does not consider it strictly necessary in present circumstances to insert the words in providing for the application of the Treaty to territories forming part of His Majesty's Dominions, but it may be considered desirable to retain them in cases in which foreign Governments see no objection as an indication that it is possible that one or other of the self-governing Dominions may in future pass an extradition law of its own which might not be in exact conformity with the Imperial Acts. It is possible, also, that it may be desirable, for the same reason, that the words should stand so far as the Protectorates are concerned, since extradition in their case is already governed by the local law and not by the Imperial Act, and though each of these local laws has so far been closely modelled on the Imperial Acts, it is conceivable that in the future it may be found desirable for special reasons in a particular Protectorate to depart from the Imperial Extradition Law.

4. In the second Article the words "Colonies or/and foreign Possessions" should be altered to "self-governing Dominions, Colonies, Possessions or/and Protectorates," and the words "Colony or Possession" and the words "Colony or foreign Possession" to "self-governing Dominion, Colony, Possession or Protectorate." In the second paragraph, for the words "his Government" should be

* No. 387.

† No. 352.

‡ Nos. 369 and 274A.

substituted "His Britannic Majesty's Government." Mr. Harcourt is doubtful whether the third paragraph of the Article is necessary, and if Sir Edward Grey would prefer that it should be omitted he would see no objection to this being done.

5. The term Protectorates as used in the Treaty must be understood to refer only to those Protectorates the administration of which is carried on directly by His Majesty's Government, and not to protected States, such as the Malay States and British North Borneo. Mr. Harcourt will be glad to learn, in this connection, whether Sir E. Grey thinks it desirable that a definition of the term Protectorates so as to exclude protected States, but to include Cyprus, should be inserted in the Treaty. In any case, some mention of Cyprus would appear to be required, as in the form agreed for future commercial treaties referred to above.

6. Further, if Protectorates are brought within the scope of general extradition treaties instead of being dealt with by supplementary or special arrangements by exchange of notes or otherwise, the treaty should, where necessary, contain a clause assimilating the natives of British Protectorates to British subjects for extradition purposes.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

12428

No. 393.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 p.m., 12th April, 1913.)

TELEGRAM.

[Copy to Board of Trade, 17 April, 1913. L.F.]

[Answered by No. 398.]

The Act regarding Canada's adhesion to Japanese Treaty assented to April 10th. Consul-General of Japan has given declaration of Imperial Government of Japan as to maintenance of existing control of Japanese emigration to Canada. Under Article 26 of Treaty notice of Canada's adhesion must be given by His Majesty's representative at Tokio before May 5th, 1913. The Act is to come into force on date to be fixed by proclamation of Governor-in-Council. It is proposed that Act come into force here May 1st next, and it is thought desirable that notice of adhesion should be given in Tokio same day. Should be glad to know if these suggestions meet with approval of His Majesty's Government, and if Government of Canada can rely on notice of adhesion being given in Tokio same day. Despatch* follows by mail enclosing certified copy of Act and copy of declaration of Japanese Consul-General.—C. FITZPATRICK.

11779

No. 394.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 13th May, 1913. L.F.]

[Answered by No. 432.]

SIR,

Downing Street, 17 April, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th instant,† respecting the counter-proposals of the Russian Government in regard to the application to the self-governing Dominions of the Anglo-Russian Commercial Treaty of 1859.

2. Mr. Harcourt will be glad to be furnished in due course with a copy of the answer of the India Office to the letter from the Foreign Office of the 5th instant.‡ In the meantime, he would observe that the objection pointed out by the Board of Trade in their letter of the 26th ultimo§ to Article 5 of the Russian counter-draft applies also to Article 4, even with amendment suggested by the Board, which relates only to the question of inter-Imperial preference.

* No. 399.

† No. 389.

‡ Enclosure 2 in No. 389.

§ Enclosure 1 in No. 389.

3. If the additional Article suggested by the Board in the last paragraph but two of their letter is inserted in the Protocol as proposed, the effect would appear to be that it would bind the self-governing Dominions even after withdrawal. It is assumed, therefore, that it will be inserted, if at all, in the Treaty itself, but Sir E. Grey will recognise that this cannot be done without the consent of the Dominions, because its insertion even in the Treaty would impose on the Dominions fresh obligations pending withdrawal.

4. The suggested additional Article, like Articles 4 and 5 of the Russian counter-draft, raises the question of the position of vessels of withdrawing Dominions, as to which Mr. Harcourt has proposed that the opinion of the Law Officers of the Crown should be taken. In this connexion Mr. Harcourt's attention has been called to the fact that in Article II. of the Treaty of Navigation with Austria, as to which separate correspondence is now proceeding, ships of the British Colonies and foreign possessions are mentioned as apparently distinguishable from ships of the United Kingdom, although the usual definition of British vessels appears in the Treaty (Article V.).

5. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

12428

No. 395.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 17 April, 1913. L.F.]

[Answered by No. 396.]

SIR,

Downing Street, 17 April, 1913.

WITH reference to the letter from this Department of the 10th instant,* I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of Sir Edward Grey, a copy of a telegram† from the Officer Administering the Government of Canada regarding the application to the Dominion of the Anglo-Japanese Commercial Treaty of 1911. I am also to enclose copies of debates‡ in the Canadian House of Commons on the subject.

2. Mr. Harcourt would be glad to be informed exactly in what terms it is proposed to notify the desire of His Majesty's Government for the application to Canada of the Treaty, in order that he may be in a position to inform the Dominion Government in case they may have any observations to offer.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

13468

No. 396.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21 April, 1913.)

[Answered by L.F. transmitting copy of No. 398.]

SIR,

Foreign Office, April 21, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter 12428/13 of the 17th instant,§ relative to the accession of the Dominion of Canada to the Anglo-Japanese Commercial Treaty of 1911.

I am to enclose, herewith, a draft of the telegram which, subject to the concurrence of the Secretary of State for the Colonies, Sir E. Grey proposes to address to His Majesty's Ambassador at Tokio directing His Excellency to make the necessary notification to the Japanese Government.

I am, &c.,

A. LAW.

* No. 394.

† No. 393.

‡ 12378: not printed.

§ No. 395.

Enclosure in No. 396.

DRAFT TELEGRAM to Sir C. GREENE (Tokio).

"Anglo-Japanese Commercial Treaty of April 8rd, 1911.

"Please notify to Japanese Government on May 1st next the accession of the Dominion of Canada in accordance with Article 26, subject to the following conditions, which should be expressed in the notification:—

"(1) Nothing in the said Treaty shall be deemed to affect any of the provisions of the Immigration Act of Canada;

"(2) Article 8 of the said Treaty shall be deemed not to apply to Canada;

"(3) It is understood that the Imperial Japanese Government are fully prepared to maintain and intend to maintain with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

13613

No. 397.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23 April, 1913.)

[Answered by No. 402.]

SIR,

Foreign Office, April 22, 1913.

WITH reference to the letter from this Department of the 1st instant,* I am directed by Secretary Sir E. Grey to transmit to you, herewith, for the information of Mr. Secretary Harcourt, a copy of a memorandum left here by the Venezuelan Minister on the 14th instant, respecting the Anglo-Venezuelan Commercial Treaty of 1825. In the course of conversation the Minister mentioned particularly the articles as to religion and slavery as being out of date.

Sir E. Grey would propose, if Mr. Harcourt concurs, to inform the Venezuelan Minister that His Majesty's Government regret that until the differential duties imposed by the Decree of May, 1882, on all goods imported into Venezuela from the British West Indian Colonies are removed they do not feel disposed to enter into negotiations for a fresh treaty.

I am, &c.,

A. LAW.

Enclosure in No. 397.

Le Traité de Commerce de 1825 que le Vénézuéla, après sa séparation de l'ancien Grand-Etat Colombien, ratifia en 1834, fut laissé incomplet, les Parties Contractantes ayant convenu alors, dans l'article 14, de négocier sans le moindre retard les articles qui n'avaient pas été rédigés à cause de la hâte dans laquelle le Traité fut célébré. D'ailleurs, quatre-vingt-huit ans se sont déjà écoulés. Le Traité contient des stipulations devenues caduques par la force des événements, et manque de quelques—unes absolument nécessaires, entre autres celle qui doit fixer la durée de toute convention commerciale.

Legaçion de Venezuela,

Londres, April , 1913.

13468

No. 398.

CANADA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(Sent 5.15 p.m., 22nd April, 1913.)

TELEGRAM.

[Copy to Foreign Office, 13 April, 1913. L.F.]

[Answered by No. 400.]

Your telegram 12th April.† Following is text of telegram which Secretary of

* 10936: not printed.

† No. 393.

State for Foreign Affairs proposes to address to His Majesty's Ambassador at Tokio regarding application of Anglo-Japanese Commercial Treaty to Canada:—

"Please notify to Japanese Government on May 1st next the accession of the Dominion of Canada, in accordance with Article 26, subject to the following conditions, which should be expressed in the notification:—

- "(1) Nothing in the said Treaty shall be deemed to affect any of the provisions of the Immigration Act of Canada.
- "(2) Article 8 of the said Treaty shall be deemed not to apply to Canada.
- "(3) It is understood that the Imperial Japanese Government are fully prepared to maintain, and intend to maintain, with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to Canada."

Shall be glad to learn as soon as possible whether your Ministers concur in these terms.—HARCOURT.

13712

No. 399.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23 April, 1913.)

[Copy, with sub-enclosures in original, to Foreign Office, 26 April, 1913. L.F.]

(No. 261.)

SIR,

Ottawa, 12 April, 1913.

I HAVE the honour to enclose a copy of a letter from the Prime Minister, with enclosures,* regarding the Japanese Treaty.

These are the papers upon which my telegram of the 12th instant† was based.

I have, &c.,

C. FITZPATRICK,

Administrator.

Enclosure in No. 399.

FROM the PRIME MINISTER to HIS EXCELLENCY THE ADMINISTRATOR.

Prime Minister's Office, Ottawa, Canada,

April 11th, 1913.

SIR,

I HAVE the honour to enclose, for the information of Your Excellency, the following documents* :—

1.—(a) Copy certified by the Clerk of the Parliaments of an Act passed by the Senate and House of Commons of Canada, entitled "An Act respecting a certain Treaty of Commerce and Navigation between His Majesty The King and His Majesty The Emperor of Japan," assented to on Thursday the 10th instant.

(b) Declaration of the Imperial Japanese Government, given through the Consul-General for the Dominion of Canada, as to the maintenance of existing control by the Japanese Government in the regulation of emigration from Japan to Canada.

2. Your Excellency will observe that under the provisions of Article XXVI of the Treaty, notice of adhesion must be given on behalf of Canada by His Britannic Majesty's representative at Tokio before the expiration of two years from the 5th day of May, 1911, which was the date of the exchange of the ratifications of the Treaty.

3. Your Excellency will also observe that the Act is to go into force on a date to be fixed by proclamation of the Governor in Council published in the Canada Gazette.

4. Subject to Your Excellency's approval it is proposed to provide by Order in Council that the Act shall come into force on Thursday the first day of May proximo.

* Not reprinted.

† No. 393.

5. It is thought desirable that notice of adhesion should be given by His Britannic Majesty's representative at Tokio on that day.

6. Under these circumstances, and as the time within which the necessary arrangements can be accomplished is somewhat short, I have the honour to recommend that Your Excellency may be pleased to communicate the purport of this letter to the honourable the Secretary of State for the Colonies and to inquire whether the suggestions herein made have the approval of His Majesty's Government.

7. I have the honour also to suggest that it would be desirable to ascertain definitely from His Majesty's Government whether we can rely upon notice of the adhesion of Canada to the Treaty being given in Tokio by His Britannic Majesty's representative on Thursday the first day of May proximo.

I have, &c.,

R. L. BORDEN.

His Excellency

The Administrator of the Government of Canada,
Ottawa.

13840

No. 400.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.42 p.m., 24th April, 1913.)

TELEGRAM.

[Copy to Board of Trade, 26 April, 1913. L.F.]

Your telegram 22nd April.* My Ministers concur in proposed terms of the notification to Japan on May 1st next.—C. FITZPATRICK.

14142

No. 401.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28 April, 1913.)

[Copy to Foreign Office, 2 May, 1913, and Board of Trade, 10th May, 1913. L.F.]

(No. 266.)

SIR,

Ottawa, 17 April, 1913.

With further reference to my despatch, No. 261, of the 12th April,† I have the honour to transmit, herewith, for your information, a copy of a letter from the Prime Minister, with enclosures of correspondence between him and the Consul-General of Japan with regard to the Japanese Treaty.

I have, &c.,

C. FITZPATRICK,

Administrator.

Enclosure in No. 401.

FROM the RIGHT HONOURABLE THE PRIME MINISTER to HIS EXCELLENCY THE ADMINISTRATOR.

Ottawa, April 12th, 1913.

SIR,

I HAVE the honour to enclose herewith, for the information of Your Excellency, copy of a message from the Imperial Japanese Government which was conveyed to me this morning by the Consul-General of Japan, as well as copy of my reply thereto.

I have, &c.,

R. L. BORDEN.

* No. 398.

† No. 399.

IMPERIAL CONSULATE-GENERAL OF JAPAN FOR THE DOMINION OF CANADA.

The Consul-General of Japan has been instructed by the Imperial Minister for Foreign Affairs to convey to the Prime Minister of Canada the cordial congratulations of the Imperial Government upon the successful passage of the Bill by which Canada shall adhere to the Treaty of Commerce and Navigation between Japan and Great Britain, and to assure him, at the same time, of their warm appreciation of his very active and friendly efforts in bringing the matter to this happy issue.

The Consul-General has also been instructed to add that the Imperial Government sincerely believe that the measure of which Mr. Borden was the sponsor will not only draw still closer the friendship existing between Japan and Canada, but tend to strengthen the alliance between Japan and Great Britain.

Ottawa,

April 12, 1913.

The Prime Minister, on behalf of the Government of Canada, desires to express to the Imperial Consul-General of Japan the warm thanks of the Government for the very kind message which was conveyed to the Prime Minister by the Consul-General to-day. The Government feel assured that the adherence of Canada to the Treaty of 1911 will not only strengthen the cordial and friendly relations now existing between Japan and Canada, but will also materially aid in maintaining the ties of friendship and alliance between our Empire and Japan.

The Prime Minister trusts that the Consul-General will be good enough to convey this message to the Imperial Japanese Government, and with it the Prime Minister's personal appreciation of the kind reference to the part which he has taken in bringing this matter to a happy issue.

Ottawa, Ontario,

April 12th, 1913.

13613

No. 402.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir,

Downing Street, 1 May, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 22nd April,* forwarding a copy of a memorandum received from the Venezuelan Minister relative to the Anglo-Venezuelan Commercial Treaty of 1825.

2. Mr. Harcourt concurs in the terms of the reply which Secretary Sir Edward Grey proposes to return to the Venezuelan Minister.

I am, &c.,

HENRY LAMBERT,
for the Under-Secretary of State.

15669

No. 403.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 May, 1913.)

[Answered by L.F. transmitting copy of No. 408, and by No. 473.]

Sir,

Foreign Office, May 8, 1913.

With reference to your letter 2275/1913, of the 31st January last,† relative to the termination of the Anglo-Swiss Treaty of 1855 as regards the self-governing Dominions, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a note‡ from the Swiss Chargé d'Affaires enclosing the text in French of the proposed agreement.

Sir E. Grey presumes that steps will now be taken as proposed by Mr. Secretary Harcourt to consult the Governments of the self-governing Dominions in regard to the restriction of the power of termination to Articles 9 and 10 of the Treaty.

* No. 397.

† No. 358.

‡ No. 13 in Dominions No. 50.

I am to add that, in view of the fact that the Swiss Government will be unable to sign the proposed Protocol without provision being made for subsequent ratification by the Federal Assembly, it will be necessary to alter the form of the instrument by the introduction of a preamble and a ratification clause, as in the case of the Convention recently submitted to the Norwegian Government on the same subject—see Colonial Office letter, 8441, of March 17th last.*

I am, &c.,

W. LANGLEY.

16406

No. 404.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Representative at Bogota, dated April 15, respecting the Anglo-Colombian Commercial Treaty of 1866.

Reference to previous letter: Foreign Office, March 10.†

Foreign Office,

May 14, 1913.

Enclosure in No. 404.

(No. 1. Treaty.)

Sir,

British Legation, Bogotá, April 15th, 1913.

With reference to your despatch, No. 1, Treaty, of March 8th, I have the honour to transmit herewith copy of a Note which I have to-day addressed to the Colombian Government notifying the termination of the Treaty of Commerce of February 16th, 1866, in respect of the Commonwealth of Australia. I have further stated that it is desired also to terminate the said Treaty in respect of Papua and Norfolk Island.

I have, &c.,

PERCY C. WYNDHAM.

His Majesty's Principal

Secretary of State for Foreign Affairs.

MR. WYNDHAM to MINISTER FOR FOREIGN AFFAIRS.

MONSIEUR LE MINISTRE,

British Legation, Bogotá, April 15th, 1913.

I HAVE the honour to inform Your Excellency, by instruction of His Majesty's Principal Secretary of State for Foreign Affairs, that the Commonwealth of Australia has requested that notification may be made to the Colombian Government of the termination of the Treaty of Commerce of February 16th, 1866.

In conformity with the terms of the Protocol signed at Bogotá on August 20th, 1912, I have the honour to give the necessary notice on behalf of the Commonwealth.

I am instructed to add that it is desired also to terminate the Treaty of February 16th, 1866, in respect of Papua and Norfolk Island.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

PERCY C. WYNDHAM.

His Excellency

Senor Don Francisco José Urrutia,

Minister for Foreign Affairs.

* No. 383.

† No. 379.

16486

No. 405.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note from the Japanese Chargé d'Affaires, dated May 6, 1913, respecting the adhesion of Canada to the Anglo-Japanese Commercial Treaty of 1911.

Foreign Office,
May 15, 1913.

Enclosure in No. 405.

SIR, Japanese Embassy, London, May 6th, 1913.
Acting under instructions from my Government, I have the honour to express to you the satisfaction with which the Imperial Government received the notice of Canada's adhesion to the Anglo-Japanese Treaty of Commerce and Navigation, as communicated to them by His Excellency the British Ambassador in Tokio on the 1st instant. I am further instructed to assure you of their warm appreciation of your friendly offices, which were so helpful in bringing the Dominion to this happy decision.

I have, &c.,
CHOZO KOIKÉ,
Chargé d'Affaires.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

16767

No. 406.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of despatches from His Majesty's Minister at Mexico, relating to the withdrawal of Norfolk Island and Papua from the Anglo-Mexican Commercial Treaty.

Reference to previous letter: From Colonial Office, January 7, 1913 (41316/12).
Foreign Office,
May 17, 1913.

Enclosure 1 in No. 406.

(Commercial. No. 48.)

SIR, Mexico, April 12th, 1913.
In accordance with the instructions contained in your despatch, No. 2, Commercial, of January 25th last, I addressed a note to the Mexican Government expressing the desire of the Australian Commonwealth that the Anglo-Mexican Commercial Treaty of 1888 should cease to be applicable to Norfolk Island as well as to Papua.

I now have the honour to transmit to you, herewith, a translation of the reply which I have received from the Mexican Minister for Foreign Affairs stating that his Government have no objection to this proposal, which may be carried into effect by an exchange of notes as proposed, the measure to take effect as from the 13th instant.

* No. 349.

As this date is to-morrow, I have lost no time in addressing a communication to Señor de la Barra, intimating to him formally the withdrawal of Norfolk Island, as well as of Papua, from the said Treaty, begging him to take formal note of my communication. A copy of my communication is also enclosed.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

MEXICAN GOVERNMENT to Mr. STRONGE.

(No. 6007.)

M. LE MINISTRE, Mexico, April 10th, 1913.
I HAVE the honour to acknowledge the receipt of Your Excellency's note, No. 42, of the 10th of March last, relative to the desire of the Government of Australia that the Treaty of 1888 concluded between Mexico and Great Britain should cease to apply to Norfolk Island and the territory of Papua.

In the same note Your Excellency invites the Mexican Government to terminate the said treaty with respect to that island on the 13th instant, that being the date on which the treaty expires with regard to other Colonies, the withdrawal to be effected, in the event of its approval by the Mexican Government, by means of an exchange of notes for that purpose, or else by altering the previous notes in such manner as to include Norfolk Island.

In reply, I have pleasure in informing Your Excellency that, having laid the matter before the President of the Republic, he has been pleased to order that it be communicated to Your Excellency that there is no objection on the part of the Mexican Government to the withdrawal of Norfolk Island from the stipulations of the treaty of 1888, and that the withdrawal be effected by means of fresh notes, specially exchanged for that purpose.

I have, &c.,
F. L. DE LA BARRA.

Mr. STRONGE to the MEXICAN GOVERNMENT.

(No. 68.)

M. LE MINISTRE, Mexico, April 12th, 1913.
HAVING learnt from Your Excellency that the Mexican Government entertains no objection to the desire of the Government of the Commonwealth of Australia that the Treaty of Commerce of 1888 between the Mexican Republic and Great Britain should cease, as from the 13th of the present month, to be applicable to Norfolk Island as well as to Papua, and that they are willing that the proposed change should be effected by means of an exchange of notes, I have the honour hereby to notify to Your Excellency, in accordance with the instructions which I have received from His Britannic Majesty's Government, the withdrawal of Norfolk Island as well as of Papua from the said Treaty, in accordance with the terms of the XVIth Article which it contains, and with the terms of the note, No. 6007, which Your Excellency addressed to me on the 10th instant.

Begging that Your Excellency will be good enough to take formal note of this communication,

I avail, &c.,
FRANCIS STRONGE.

Enclosure 2 in No. 406.

(Commercial. No. 58.)

SIR, Mexico, April 22nd, 1913.
WITH reference to my despatch, No. 48, of this series, of the 12th instant, I have the honour to transmit to you, herewith, copy and translation* of a note

* Translation only printed.

which I have received from the Mexican Minister for Foreign Affairs, stating that the President of the Republic has agreed formally to the exclusion of Norfolk Island as well as of Papua from the Anglo-Mexican Commercial Treaty of 1888, and that due note should be taken thereof. It also states that the two notes are to be laid before the Senate for their approval.

I have, &c.,
FRANCIS STRONGE.

The Right Honourable
Sir Edward Grey, Bart., M.P.,
&c., &c., &c.

MEXICAN GOVERNMENT to Mr. STRONGE.

(Translation.)
(No. 6284.)

M. LE MINISTRE, Mexico, April 18th, 1913.
I OBSERVE from Your Excellency's note, No. 68, of the 12th instant, that the Government of Australia desire that the Treaty of Commerce of 1888, signed by Mexico and Great Britain, should cease to apply to Norfolk Island as well as to Papua, and, in reply, I have the honour to inform the Legation that the President of the Republic has agreed that the desired withdrawal be formally acceded to, and that due note be taken of the same.

This note, and the note to which it forms the reply, shall be presented to the Chamber of Senators for their approval.

I have, &c.,
F. L. DE LA BARRA.

13767

No. 407.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 313.)

MY LORD, Downing Street, 23 May, 1913.
WITH reference to Your Excellency's despatch, No. 277, of the 27th of November last,* I have the honour to transmit to you, for the information of your Ministers, the accompanying copies of notes† exchanged between the Mexican Government and His Majesty's Minister on the subject of the termination of the application of the Anglo-Mexican Commercial Treaty of 1888 to Norfolk Island.

2. I will inform you in due course whether the exchange of notes has been approved by the Chamber of Senators.

I have, &c.,
L. HARCOURT.

15669

No. 408.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Board of Trade and Foreign Office, 2 June, 1913. L.F.]

(Canada.)	}	(Confidential (2).)
(Australia.)		
(New Zealand.)		
(Union of South Africa.)		
(Newfoundland.)		

[MY LORD],
[SIR],

Downing Street, 26 May, 1913.

WITH reference to previous correspondence on the subject of the application to the self-governing Dominions of certain commercial treaties, I have the honour

* No. 345.

† Enclosures in No. 406.

to transmit to [Your Excellency] [you], to be laid before your Ministers, the accompanying copies of correspondence* with the Swiss Government on the subject of the Anglo-Swiss Treaty of 1855.

2. For a full explanation of the views advanced in this correspondence by His Majesty's Government as to the position under the Treaty of British subjects belonging to a self-governing Dominion to which it had ceased to be applicable, I have to refer your Ministers to Mr. Chamberlain's circular despatch of the 2nd of December, 1899,† copies of which are also enclosed.

3. In view of the importance attached by the Swiss Government to the remaining in force of the Treaty with the exception of Articles 9 and 10, I shall be glad to learn whether your Ministers concur in the conclusion of a treaty with the Swiss Federation in the terms of the Protocol submitted in the Swiss Minister's note of the 25th of April last.‡

I have, &c.,
L. HARCOURT.

18009

No. 409.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 28 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Tokio, No. 119, dated May 7, 1913, respecting the accession of Canada to the Anglo-Japanese Commercial Treaty of 1911.

Reference to previous letter: To Colonial Office, May 15, 1913.§

Foreign Office,
May 27, 1913.

Enclosure in No. 409.

(No. 119.)

British Embassy, Tokyo,
May 7th, 1913.

SIR,

WITH reference to my telegram No. 32 of the 2nd instant, I have the honour to transmit to you, herewith, a copy of my note of May 1st to the Japanese Minister of Foreign Affairs notifying the adhesion, under certain conditions, of the Dominion of Canada to the stipulations of the Treaty of Commerce and Navigation between Great Britain and Japan, together with a copy of the note which I have received from His Excellency in reply.

I have, &c.,
CONYNGHAM GREENE.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

(No. 58.)

British Embassy, Tokyo,
May 1st, 1913.

MONSIEUR LE MINISTRE,

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to notify to Your Excellency, in accordance with the provisions of Article 26 of the Treaty of Commerce and Navigation between Great Britain and Japan of the 3rd of April, 1911, the adhesion of the Dominion of Canada to the stipulations of the said Treaty.

(1) It is of course understood that nothing in the said Treaty shall be deemed to affect any of the provisions of the Immigration Act of Canada;

(2) Article 8 of the said Treaty shall be deemed not to apply to the Dominion of Canada; and

* Dominions No. 50.
† No. 13 in Dominions No. 50.

‡ 30482/99: not reprinted
§ No. 405.

(3) that the Imperial Japanese Government are fully prepared to maintain and intend to maintain with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to the Dominion of Canada.

His Excellency
Baron Makino.

I take, &c.,
CONYNGHAM GREENE.

(No. 52.)

SIR,

May 6th, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's note, No. 58, of the 1st instant, in which, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, you inform me of the adhesion of Canada to the Treaty of Commerce and Navigation between Japan and England of the 3rd of April, 1911, and in which Your Excellency also states that it is of course understood that,

- (1) none of the articles of the said Treaty shall affect in any way the provisions of the Canadian Immigration Act,
- (2) Article 8 of the said Treaty shall not apply to Canada, and that
- (3) the Imperial Japanese Government are prepared (to maintain) and intend to maintain hereafter with equal effectiveness the limitation of emigration which they have exercised since 1908 with regard to Canada.

I take, &c.,

BARON MAKINO NORUAKI,
Minister for Foreign Affairs.

His Excellency
Sir Conyngham Greene, K.C.B.,
&c., &c., &c.

18115

No. 410.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 May, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note from His Majesty's Minister at Bogotá, No. 2, Treaty, dated April 24, respecting the withdrawal of Australia, Papua, and Norfolk Island from the Anglo-Colombian Commercial Treaty.

Reference to previous letter: To Colonial Office, May 14.*

Foreign Office,
May 28, 1913.

Enclosure in No. 410.

(No. 2. Treaty.)

SIR,

British Legation, Bogotá, April 24th, 1913.

WITH reference to my despatch, No. 1, Treaty, of April 15th, I have the honour to transmit copy and translation† of a note from the Colombian Government, acknowledging my communication of the 15th instant, denouncing the Treaty of Commerce of February 16th, 1866, on behalf of the Commonwealth of Australia and of Papua and Norfolk Island.

I have, &c.,
PERCY C. WYNDHAM.

His Majesty's
Principal Secretary of State
for Foreign Affairs.

* No. 404.

† Translation only printed.

MINISTER FOR FOREIGN AFFAIRS to Mr. WYNDHAM.

(Translation.)

SIR,

Bogotá, April 24th, 1913.

I HAVE the honour to acknowledge the receipt of your note of the 15th instant, in which, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, and in accordance with the Protocol signed at Bogotá on August 20th, 1912, you notify to the Colombian Government, at the request of the Commonwealth of Australia, the termination of the Treaty of Commerce of February 16th, 1866. You further notify, under instructions, that it is desired to terminate the Treaty as regards Papua and Norfolk Island.

I have the honour to inform you that this Department have taken careful note of the above declarations.

I avail, &c.,
FRANCISCO JOSÉ URRUTIA.

His Excellency
Percy C. Wyndham, Esq.,
Envoy Extraordinary and
Minister Plenipotentiary.

15798

No. 410a.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 419.]

SIR,

Downing Street, 28th May, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 9th May,* on the subject of the proposed agreement between this country and Norway respecting exemption from military service.

2. In reply, I am to request you to inform Secretary Sir E. Grey that Mr. Harcourt thinks it most undesirable that the proposals of the Norwegian Government to limit the interpretation of the phrase "British subject" should be accepted. There is, in Mr. Harcourt's opinion, no substantial difference between the subject matter of the suggested Treaty and the various personal matters dealt with in commercial treaties, and, indeed, in several cases liability to military service has been dealt with in commercial treaties, see, for example, Article 2 of the Treaty with Japan of 1911.

3. As Sir E. Grey is aware, it has been decided with regard to commercial treaties that His Majesty's Government must insist on the principle that British subjects, wherever domiciled or wherever born, are entitled to all the benefits conferred upon British subjects generally, on the ground that there is no satisfactory method, either in law or practice, of distinguishing between different classes of British subjects.

4. Mr. Harcourt, therefore, suggests that the Norwegian Government should be informed that their presumption is incorrect, and that the proposal of His Majesty's Government is intended to cover all British subjects. There is no inequality in this proposal, inasmuch as all Norwegian subjects are given exemption in the United Kingdom, and what is asked in return is exemption in Norway for all British subjects.

5. Mr. Harcourt sees no objection to the acceptance of the other amendments proposed by the Norwegian Government.

I am, &c.,
H. W. JUST.

* 15798: not printed.

18646

No. 411.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2 June, 1913.)

[Answered by No. 414.]

Sir,

Foreign Office, May 31, 1913.

With reference to your letter of the 11th of April last,* and subsequent semi-official correspondence, I am directed by Secretary Sir Edward Grey to enclose, for Mr. Secretary Harcourt's consideration, a draft of an extradition treaty† which it is proposed to submit to the Brazilian Government to take the place of that which expires in September next.

The Colonial Articles Nos. 17, 18, and 19 have been drafted to meet the wishes of the Secretary of State for the Colonies, and, if he concurs in them, the formula can be utilised for other extradition treaties in the future.

I am also to enclose a copy of a letter which has been addressed to the Indig Office on the same subject.

I am, &c.,

EYRE A. CROWE.

Enclosure 1 in No. 411.

DRAFT TREATY BETWEEN THE UNITED KINGDOM AND BRAZIL FOR THE MUTUAL SURRENDER OF FUGITIVE CRIMINALS.

ARTICLE 17.

The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all His Britannic Majesty's Colonies and Possessions, except to those hereinafter named, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, provided always that the said stipulations shall be applicable to any of the above-named parts of His Majesty's Dominions in respect of which notice to that effect shall have been given by His Britannic Majesty's Representative at Rio de Janeiro before the expiration of one year from the date of the exchange of ratifications of the present Treaty, and provided also that it shall be competent for either of the Contracting Parties to terminate the application of this Treaty to any of the above-named parts of His Majesty's Dominions on giving twelve months' notice to that effect.

ARTICLE 18.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of His Britannic Majesty's self-governing Dominions, Colonies, or Possessions to which this Treaty applies shall be made to the Governor, or chief authority, of such self-governing Dominion, Colony, or Possession by the chief consular officer of Brazil in such self-governing Dominion, Colony, or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such self-governing Dominion, Colony, or Possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to His Britannic Majesty's Government.

Requisitions for the surrender of a fugitive criminal emanating from any self-governing Dominion, Colony, or Possession of His Britannic Majesty shall be governed, as far as possible, by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE 19.

It is understood that the stipulations of the two preceding Articles apply, in the same manner as if they were Possessions of His Britannic Majesty, to the Island of Cyprus, and to the following British Protectorates, that is to say, the Bechnanaland Protectorate, East Africa Protectorate, Gambia Protectorate, North-Eastern

* No. 392.

† Extract only reprinted.

Rhodesia, North-Western Rhodesia, Northern Nigeria, Northern Territories of the Gold Coast, Nyasaland, Sierra Leone Protectorate, Somaliland Protectorate, Southern Nigeria Protectorate, Southern Rhodesia, Swaziland, Uganda Protectorate, Gilbert and Ellice Islands Protectorate, Solomon Islands Protectorate.

It is also understood that if, after the signature of the present Treaty, it is considered advisable to extend its provisions to any British Protectorates other than those mentioned above or to any British-protected State, the stipulations of the two preceding Articles shall be deemed to apply to such Protectorates or States from the date prescribed in the notes to be exchanged for the purpose of effecting such extension.

It is further understood that the provisions of the present Treaty which apply to British subjects shall be deemed also to apply to natives of the Island of Cyprus and of any British Protectorate or protected State to which the stipulations of the two preceding Articles apply or shall hereafter apply.

Enclosure 2 in No. 411.

Sir,

Foreign Office, May 30, 1913.

I AM directed by Secretary Sir Edward Grey to state, for the information of the Secretary of State for India in Council, that in March last the Brazilian Government denounced their Treaty of Extradition with this country of November 13th, 1872, which, therefore, ceases and determines on the 14th of September next, and it is desirable to negotiate a new one to take its place. The matter has formed the subject of recent correspondence both with the Home and Colonial Offices. The first-named Department suggested that a draft based on the existing Extradition Treaty between Chile and this country should be prepared and submitted for the consideration of the Brazilian Government.

The Secretary of State for the Colonies, having regard to the first resolution of the Imperial Conference of 1911 (see Blue Book [Cd. 5745], 1911), felt that a new Colonial Article should be framed both for the present and future negotiation of extradition treaties in such a way as not to bind the self-governing Dominions, but to leave to them the option of acceding or of abstaining from acceding, or, having acceded, of withdrawing if they so wished. The formula which it is understood the Secretary of State for the Colonies considers appropriate will be found in Articles 17, 18, and 19 of the draft enclosed.

I should be glad to learn at your early convenience whether the Secretary of State for India in Council concurs in the terms of these Articles, or whether he desires to suggest any change in or addition to them on behalf of India. If not, extradition, so far as India is concerned, would, as in the past, be governed by the terms of Article 18 of the draft.

I am, &c.,

EYRE A. CROWE

The Under-Secretary of State,
India Office.

18877

No. 412.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5 June, 1913.)

Sir,

Foreign Office, June 4, 1913.

With reference to the Colonial Office letter of the 17th March (8441/1913),* I am directed by Secretary Sir Edward Grey to transmit herewith, for the information of Mr. Secretary Harcourt, a copy of a despatch from His Majesty's Minister at Christiania forwarding the British copy of the Convention between the United Kingdom and Norway, signed in that capital on the 16th ultimo, relative to the position of the British self-governing Dominions in regard to the Commercial Convention of 1826. Printed copies of the instrument,† as signed, are enclosed herewith.

* No. 383.

† English text only reprinted.

Sir Edward Grey now proposes, subject to Mr. Harcourt's concurrence, to take the necessary steps for the preparation of the King's ratification of the Convention; and for its despatch to Christiania in due course.

I am, &c.,
LOUIS MALLET.

Enclosure 1 in No. 412.

(No. 31. Commercial.)

SIR, Christiania, May 19, 1913.
I HAVE the honour to report that, having submitted to the Norwegian Government the revised draft of the Convention on the subject of the withdrawal of the self-governing Dominions from the Anglo-Norwegian Treaty of 1826, which formed the enclosure in your despatch, No. 16, Commercial, of the 4th ultimo, I was requested by the Minister for Foreign Affairs to call at the Ministry on the 16th instant in order to sign the Convention in question, to which, in the meantime, the assent of the King of Norway had been obtained.

After communication of our full powers the Convention was duly signed by Mr. Ihlen and myself in duplicate, and I have the honour to enclose it herewith.

The Norwegian text has been carefully examined by Mr. Dick, translator to His Majesty's Legation, and found correct.

I presume that the necessary steps for exchanging the ratifications of this Convention will be taken as soon as possible. As reported in my No. 108, Commercial, of December 21st last, the Convention will have to be submitted to the Storting.

I have, &c.,
M. DE C. FINDLAY.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

Enclosure 2 in No. 412.

CONVENTION BETWEEN GREAT BRITAIN AND NORWAY RELATING TO THE AMENDMENT OF THE CONVENTION OF COMMERCE AND NAVIGATION OF THE 18TH MARCH, 1826.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Norway, being desirous of making special provision with regard to the application of the Convention of Commerce and Navigation between Great Britain and Norway of the 18th March, 1826, to certain parts of His Britannic Majesty's Dominions, have named as their Plenipotentiaries for this purpose:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: Mr. Mansfeldt de Cardonnel Findlay, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Norway; and

His Majesty the King of Norway: M. Nils Claus Ihlen, His Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:—

Whereas it is desirable to make special provision with regard to the application of the Convention of Commerce and Navigation between Great Britain and Norway of the 18th March, 1826, to certain parts of His Britannic Majesty's dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland, the High Contracting Parties hereby agree that either of them shall have the right to terminate the said Convention with respect to any or all of the above-mentioned Dominions at any time on giving twelve months' notice to that effect.

It is further agreed that, should the said Convention cease, in pursuance of the present Convention, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the High Contracting Parties.

The present Convention shall be ratified, and the Ratifications shall be exchanged at Christiania, as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have affixed thereto their seals.

Done at Christiania, the 16th day of May, 1913.

(L.S.) M. DE C. FINDLAY.
(L.S.) IHLEN.

18009

No. 413.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 426.)

SIR, Downing Street, 4 June, 1913.
WITH reference to your Excellency's despatch, No. 285, of the 24th April,* I have the honour to transmit to you, for the information of your Ministers, a copy of a despatch† from His Majesty's Ambassador at Tokio relative to the application to Canada of the Anglo-Japanese Commercial Treaty of 1911.

I have, &c.,
L. HARCOURT.

18646

No. 414.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 11 June, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 31st ultimo,‡ forwarding the draft of an extradition treaty which it is proposed to submit to the Brazilian Government to take the place of that which expires in September next.

2. Mr. Harcourt concurs in the terms of the Colonial Articles (17, 18, and 19), subject to the insertion of the words "(including, for this purpose, Papua and Norfolk Islands)" after the word Australia in Article 17, and to the substitution of "Northern Rhodesia" for "North-Eastern Rhodesia, North-Western Rhodesia," in Article 19, and he will be glad if the Colonial Articles so amended can be inserted, as proposed, in all future extradition treaties, and in the revised draft Extradition Treaty with Japan now under consideration.

3. Mr. Harcourt has no observations to offer on the other Articles of the draft Treaty.

4. As it appears from your letter of the 13th May§ that the conclusion of a new extradition treaty with Brazil is a matter of some urgency, Mr. Harcourt will not ask that the negotiations should, as contemplated in the letter from this Department of the 15th February,|| be postponed until the self-governing Dominions have been consulted, but he attaches importance to the procedure indicated in that letter being followed in all future cases.

I am, &c.,
H. W. JUST.

* 15323: not printed.
‡ No. 411.

§ 16346: not printed.

† Enclosure in No. 409.
‡ No. 366.

18115

No. 415
AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 345.)

MY LORD,

Downing Street, 13 June, 1913.

WITH reference to Your Excellency's telegram of the 1st March,* I have the honour to transmit to you, for the information of your Ministers, a copy of a note† addressed by His Majesty's Minister at Bogota to the Colombian Minister for Foreign Affairs, notifying the termination of the Anglo-Colombian Treaty of Commerce of 1866 in respect of the Commonwealth of Australia, and also of Papua and Norfolk Island, together with a translation‡ of the reply from the Colombian Minister.

I have, &c.,
L. HARCOURT.

18115

No. 416.
NEW SOUTH WALES.

THE SECRETARY OF STATE TO THE GOVERNOR.

(No. 97.)

SIR,

Downing Street, 13 June, 1913.

I HAVE the honour to inform you that, at the request of the Government of the Commonwealth of Australia, steps have been taken to arrange that the Anglo-Colombian Commercial Treaty of the 16th February, 1866, shall terminate with respect to Norfolk Island, with effect from the 15th April, 1914, inclusive.

I have, &c.,
L. HARCOURT.

20280

No. 417.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 16 June, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of telegraphic correspondence with Sir C. Mallet respecting the termination of the Anglo-Costa Rican Treaty in respect of His Majesty's Colonies.

Reference to previous letter: Colonial Office, 11133/1913, April 9§

Foreign Office,
June 14, 1913.

Enclosure 1 in No. 417.
TELEGRAM from Sir C. MALLET.

(No. 5. Commercial.)
(Paraphrase.)

Panamá, June 10th, 1913.

Termination of Anglo-Costa Rican Treaty in respect of British Colonies. (See my telegram, No. 2, Commercial, of January 17.)

Am I authorised to sign the protocol, which is accepted by the Costa Rican Government in exactly the same form as the Colombia protocol?

* No. 374. † Sub-enclosure in No. 404. ‡ Sub-enclosure in No. 410. § No. 390.

Enclosure 2 in No. 417.

TELEGRAM to Sir C. MALLET (Panamá).

(No. 3. Commercial.)

(Paraphrase.)

Foreign Office, June 12th, 1913.

Termination of Anglo-Costa Rican Treaty in respect of British Colonies. (Your telegram, No. 5, Commercial, of June 10th.)

If the protocol, as drafted, is identical in form with that between Great Britain and Colombia, you are authorised to sign.

18115

No. 418.
COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 14 June, 1913.

WITH reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, a copy of a note* addressed by His Majesty's Minister at Bogota to the Colombian Minister for Foreign Affairs, notifying the termination of the Anglo-Colombian Commercial Treaty of 16th February, 1866, with effect from the 15th April, 1914, inclusive, in respect of the Commonwealth of Australia, and also of Papua and Norfolk Island, together with a translation† of the reply from the Colombian Minister.

I am, &c.,
HENRY LAMBERT.
for the Under-Secretary of State.

20963

No. 419.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received 21 June, 1913.)
[Answered by No. 423.]

SIR,

Foreign Office, June 20, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 15798/1913, of the 23th ultimo,‡ on the subject of the proposed Agreement between this country and Norway for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom, respectively.

In reply, I am to observe that if Sir E. Grey is correct in understanding that, under the laws prevailing in certain of the self-governing Dominions, the exemption from military service which His Majesty's Government wish to claim for British subjects in Norway cannot reciprocally be granted to Norwegian subjects in those Dominions, then the proposal that the exemption in Norway should be obtained for all British subjects does involve a very marked inequality, and one to which, in Sir E. Grey's opinion, it is not unreasonable that the Norwegian Government should object. Those Dominions which are not in a position to grant reciprocity cannot, it appears to him, logically insist on claiming from Norway, under an Agreement avowedly to be based on the principle of reciprocity, exemptions for Colonials which their respective Governments may refuse to Norwegians.

* Sub-enclosure in No. 404. † Sub-enclosure in No. 410. ‡ No. 410A.

The only alternatives which Sir E. Grey can suggest are, either that the Dominions should be excluded from the Agreement altogether, or that a clause should be added in the usual form providing for their accession on terms of reciprocity.

I am, moreover, to point out that the Anglo-Japanese Treaty of 1911 does not apply to any of the self-governing Colonies (Article XXVI.) unless they accede thereto, and that only Newfoundland appears to have done so. The other self-governing Colonies would appear, accordingly, not to be entitled to claim under that treaty exemption from military service in Japan for their Colonial British subjects. The Treaty is, therefore, not an instance of the principle laid down in § 3 of your letter under reply, which, moreover, appears to Sir E. Grey to be too broadly stated, inasmuch as it omits all reference to the necessity, which he conceives to be inseparable from the principle, of complete reciprocity throughout the British Empire in the treatment of the subjects or citizens of the other High Contracting party.

I am to enclose a copy of a letter from the Home Office on this subject, in which certain suggestions are made in regard to the term "British Subject" used in a restricted sense, and the substitution of the word "domiciled" for "resident" in Article 1 of the Agreement, together with a copy of the reply which Sir E. Grey proposes, with the concurrence of Mr. Secretary Harcourt, to return to the Home Office letter.

I am, &c.,
EYRE A. CROWE.

Enclosure 1 in No. 419.

SIR,

Home Office, Whitehall, 2nd June, 1913.

With reference to your letter of the 9th ultimo and to previous correspondence, on the subject of the proposed Anglo-Norwegian Agreement for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom, respectively, I am directed by Mr. Secretary McKenna to say, for the information of Sir Edward Grey, that if, as appears from the correspondence, the term "British subject" is to be used in the Agreement in an artificially restricted sense, he thinks it might be well to make this clear from the first by inserting after the word "subjects" in line 1 of Article 1 some such words as "as hereinafter defined."

The Secretary of State has some doubt as to the propriety of including naturalised subjects in Article 1. By Section 7 of the Naturalisation Act, 1870, applicants for naturalisation must be persons who intend to reside in the United Kingdom, and Mr. McKenna is disposed to think that if, after becoming a British subject, a person goes to a foreign country and actually acquires a domicile there, it is no part of the duty of His Majesty's Government to protect him from any liabilities, such as military service, which he may there assume.

It would appear from the enclosures in your letter of the 8th June, 1912, that it is not "residence" in Norway which involves liability to conscription, but "domicile" in that country. A naturalised British subject who became temporarily resident in Norway would, presumably, not be liable to conscription.

It is worth consideration whether the word "domiciled" should not be substituted for "resident" in Article 1 of the Agreement.

The Under-Secretary of State,
Foreign Office.

I am, &c.,
W. P. BYRNE.

Enclosure 2 in No. 419.

DRAFT LETTER TO HOME OFFICE.

SIR,

Foreign Office, June 1, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 2nd instant, respecting the proposed Anglo-Norwegian Agreement for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom respectively.

In reply, I am to state that as regards the wording of Article 1 of the Agreement, Sir E. Grey is inclined to think that the requirements of the case would be met if the following words were substituted:—

Article 1.

British subjects resident in Norway being persons—

(a) born or naturalised within the United Kingdom of Great Britain and Ireland, or

(b) whose fathers were born within the said United Kingdom, and Norwegian subjects resident in the United Kingdom of Great Britain and Ireland shall reciprocally be exempt, &c.

With regard to the question of the propriety or otherwise of including naturalised British subjects in Article 1, I am to observe that there are a large number of treaties in which His Majesty's Government have stipulated for the protection from military service of British subjects, naturalised as well as natural born, even when such British subjects have become domiciled in foreign countries. In these circumstances Sir E. Grey sees no adequate reason for departing from these precedents.

As regards the suggested substitution of the word "domiciled" for "resident" in Article 1 of the Agreement, Sir E. Grey is in favour of the retention of the word "resident" for the reason that it would secure exemption for a larger class than would the word "domiciled" in the event of an alteration of Norwegian law to include all foreign residents.

I am, &c.,

21864

No. 420.

BOARD OF TRADE to COLONIAL OFFICE.

(Received June 25, 1913.)

[Answered by No. 421.]

(Confidential.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.,

SIR,

25th June, 1913.

Mr. Secretary Harcourt is doubtless aware that negotiations have for some time been proceeding for the conclusion of a commercial treaty between this country and Portugal, and I am now to state, for his information, that, in connection with proposals made to the Portuguese Government with that object last year, on the general lines of the "model draft," that Government expressed a preference for a treaty limited in its application to the United Kingdom on the one hand and to Portugal proper, including the Azores and Madeira, on the other, that is to say, for a treaty excluding provision for the extension of its stipulations to the overseas Possessions of both countries.

Mr. Harcourt will further be aware that, as a result of consideration recently given by Ministers to the question of certain suggestions affecting the proposed treaty, negotiations are being resumed upon terms which promise to bring this much deferred matter to a conclusion. A question, however, arises with regard to the Portuguese desires affecting the relation of Colonies to the treaty under negotiation, and upon this point I am to say that the Board are not at present proposing to depart from the usual form of Colonial Article embodied in the "model draft" except to the extent of according to Portuguese Colonies the same rights of accession and denunciation as are sought for British Dominions, Colonies, Possessions, and Protectorates. They would be glad, however, to learn, in case the Portuguese Government should attach importance to the point, whether in Mr. Harcourt's opinion the conclusion of a treaty which related to the United Kingdom only would be open to,

serious objection from the point of view of the Colonial Office. Such a treaty would not, of course, preclude the conclusion by or on behalf of any Dominion or Colony interested of a special arrangement with Portugal on the lines of those which have already been concluded by or for Canada in the parallel case of France.

The Board would be glad if they could be favoured with an early reply.

I have, &c.,
H. LEWELLYN SMITH.

21664

No. 421.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 424.]

(Confidential.)

SIR, Downing Street, 30th June, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter "C" of the 25th June,* on the subject of the negotiations for the conclusion of a commercial treaty between this country and Portugal.

2. Mr. Harcourt observes that the Board of Trade proposes in the negotiations with the Portuguese Government to ask that Government to accept the inclusion of the usual Colonial Article, and he trusts that every effort will be made to secure its acceptance. He concurs in the proposal that the same rights of accession and denunciation should be accorded to the Portuguese Government in respect to Portuguese Colonies as are reserved to His Majesty's Government in respect to the self-governing Dominions, Colonies, &c. As the Colonial Article is to be bilateral, it will be necessary to omit the stipulations in the Colonial Article included in the draft Model Treaty respecting the grant of most-favoured-nation treatment to the products of non-adhering Dominions, Colonies, &c.

3. Mr. Harcourt proposes, with the concurrence of the Board of Trade, to telegraph to the Governments of the self-governing Dominions in the terms of the enclosed draft† announcing that negotiations are now to be instituted, and asking whether there are any matters of special interest to the Dominions. Mr. Harcourt considers that this action is necessary, as, while His Majesty's Government cannot undertake to secure any special privileges desired by the Governments of the Oversea Dominions, their action would be open to criticism if they carried the negotiations to completion without consulting the Dominions.

4. Mr. Harcourt will be glad to see the draft of the proposed Treaty at the Board's early convenience.

I am, &c.,
JOHN ANDERSON

22294

No. 422.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1 July, 1913.)

(Confidential.)

SIR, Government House, St. John's, 15 June, 1913.
WITH reference to your Confidential (2) despatch of the 26th May,‡ on the subject of the Anglo-Swiss Treaty of 1855, I have the honour to inform you that my Ministers concur in the conclusion of a Treaty with the Swiss Federal Government in the terms of their Protocol of 25th April, 1913.

I have, &c.,
W. E. DAVIDSON.

* No. 420.

† See Nos. 425 to 427.

‡ No. 408.

20963

No. 423.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 465.]

SIR, Downing Street, 1 July, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 20th of June,* on the subject of the proposed Agreement between this country and Norway for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom respectively.

2. Mr. Harcourt observes from the penultimate paragraph of your letter that, in the opinion of Secretary Sir Edward Grey, it would not be open, under the Anglo-Japanese Treaty of 1911, to any self-governing Dominion in respect of which adhesion was not notified to claim under that Treaty exemption from military service in Japan for Dominion British subjects. I am, however, to invite reference to the Opinions of the Law Officers of the Crown of the 23rd January, 1899, and the 13th of October, 1899,† to the circular despatch from Mr. Chamberlain to the self-governing Dominions of the 2nd December, 1899,‡ to the memorandum enclosed in the letter from this Department of the 10th of February, 1911,§ to the Law Officers' Opinion of the 4th April, 1911,|| to the recent correspondence¶ with the Swiss Government relating to the application of the Commercial Treaty of 1855 to the self-governing Dominions, and to the despatch from the Secretary of State of the 26th of May, 1913,** in which copies of this correspondence were forwarded to the Governments of the self-governing Dominions. Copies of all these papers are enclosed in this letter for convenience of reference. I am also to invite reference to the recent correspondence, terminating with your letter of the 20th March,†† regarding the trade mark rights in Japan of British subjects connected with parts of the Empire to which the Treaty with Japan of 1911 has not been made applicable, and to the correspondence‡‡ noted in the

Foreign Office, 6th November, 1912.
Colonial Office, 3rd December, 1912.
Foreign Office, 2nd January, 1913.

margin respecting the position of the self-governing Dominions under the Commercial Treaty with Norway. It will be seen

from these papers that the view now expressed in your letter as to the effect of the Anglo-Japanese Treaty of 1911 and of similar Conventions has been rejected, after the fullest consideration, by the Law Officers of the Crown, and that Sir Edward Grey has hitherto accepted the opinion of the Law Officers in this regard. So far as Mr. Harcourt is aware, this is the first time when the test of place of birth has been proposed as the means of determining the rights of British subjects under treaties, and the test appears to Mr. Harcourt to be wholly impossible of application. The definition of British subject proposed in the draft letter to the Home Office enclosed in your letter under reply would lead to the result that persons born in this country who have emigrated at an early age to a British Dominion, with which they have identified themselves (e.g., Mr. Fisher, the late Prime Minister, and Mr. Cook, the present Prime Minister, of the Commonwealth of Australia, both of whom were born in this country), and the sons of such persons would be British subjects for the purpose of the Treaty, whereas the son born in Australia of a British military officer lent temporarily to the Commonwealth Government would not be entitled to the protection of the Treaty should his father happen to have been born outside the United Kingdom—for example, in India.

3. With regard to the penultimate paragraph of your letter, I am to remind Sir Edward Grey that His Majesty's Government have adhered in respect of Canada as well as in respect of Newfoundland to the Anglo-Japanese Treaty of 1911.

4. I am to add that Mr. Harcourt concurs in the proposal that the Treaty should be applicable to persons resident, and not merely, as proposed by the Secretary of State for Home Affairs, to persons domiciled.

I am, &c.,
H. W. JUST.

* No. 419. † Nos. 206A and 232A in Vol. V. of Law Officers' Opinions. ‡ 30452/39: not reprinted.
§ No. 174 in Dominions No. 19. ¶ No. 137 in Vol. VII. of Law Officers' Opinions.
|| Dominions No. 50. ** No. 408. †† No. 384. ‡‡ Nos. 312, 326, and 347.

BOARD OF TRADE to COLONIAL OFFICE.

(Received July 4, 1913.)

[Answered by No. 429.]

(Confidential.)

Board of Trade (Commercial Department).

Sir,

Gwydyr House, Whitehall, London, S.W., 3rd July, 1913.

In reply to your letter of June 30th (No. 21664),* relative to the commercial treaty negotiations with Portugal, I am directed by the Board of Trade to state that they concur in the terms of the telegrams which Mr. Harcourt proposes to send to the Governments of the self-governing Dominions on the subject.

I am also to transmit to you, for Mr. Harcourt's information, in accordance with your request, copy of the revised draft treaty† which the Board recently caused to be forwarded to Sir E. Grey for communication to the Portuguese Government, and to draw attention in particular to Article 22, which relates to the position, in regard to the treaty, of the Colonial possessions of the Contracting Parties.

I have, &c.,

GEO. J. STANLEY.

Enclosure in No. 424.

(Extract.)

ARTICLE I.

There shall be between the subjects or citizens of the two Contracting Parties full and complete freedom of commerce and navigation.

The subjects or citizens of each of the two Contracting Parties shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other to which native subjects or citizens are or may be permitted to come. They shall not be subject in respect of their commerce or industry in the territories of the other, whether their residence there is of a permanent or temporary character, to any duties, taxes, imposts, or licences of any kind whatever other or higher than those which are or may be imposed upon native subjects or citizens, and they shall enjoy the same rights, privileges, liberties, immunities, and other favours in matters of commerce and navigation as are or may be enjoyed by native subjects or citizens.

ARTICLE 4.

The subjects or citizens of each of the Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the country permit, or shall permit, the subjects or citizens of the State to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to subjects or citizens of the State. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are or shall be applicable to subjects or citizens of the State.

The subjects of each of the Contracting Parties shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general without being subjected as foreigners to other or higher duties than those to which subjects or citizens of the country would be liable under similar circumstances.

ARTICLE 5.

Articles the produce and manufacture of Portugal imported into the United Kingdom from whatever place arriving, and articles the produce or manufacture of the United Kingdom imported into Portugal, from whatever place arriving, shall not be subject to other or higher duties or charges than those which are or may be levied on the like articles the produce or manufacture of any other foreign country.

* No. 421.

† Extract only printed.

In like manner, articles the produce or manufacture of one of the Contracting Parties exported to the territories of the other shall not be subjected to other or higher duties or charges than those which are or may be levied on the like articles exported to any other foreign country. The United Kingdom and Portugal also reciprocally undertake that no more favourable treatment shall be extended to the goods of any other foreign country in respect of importation, import duties, exportation, export duties, re-exportation, re-export duties, customs facilities, warehousing, transshipment drawbacks, and commerce and navigation in general.

ARTICLE 13.

Notwithstanding anything in this treaty either of the Contracting Parties reserves the right to confine to national vessels the trade between any ports within its territories and Dominions. In the event of this right being exercised by either country nothing in this treaty shall be construed as entitling the vessels of that country to participate in the corresponding trade between ports of the other country.

British and Portuguese vessels may nevertheless proceed from one port to another either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination.

It is also understood that no vessel shall be considered as engaging in trade between two ports of one of the Contracting States merely because it carries between those ports passengers holding through tickets or merchandise consigned on through bill of lading to or from some place outside the territories and Dominions of that State.

ARTICLE 22.

The present treaty shall not extend to any of the Dominions, Colonies, Possessions or Protectorates of either Contracting Party unless notice of the desire of such Contracting Party that the treaty shall apply to any such Dominion, Colony, Possession or Protectorate shall have been given to the other Contracting Party before the expiration of one year from the date of the exchange of the ratifications of the present treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Dominions, Colonies, Possessions, and Protectorates shall enjoy in Portugal complete and unconditional most-favoured-nation treatment so long as such Dominion, Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of Portugal treatment as favourable as it gives to the produce or manufacture of any other foreign country; and reciprocally the goods produced or manufactured in any Portuguese Colony or Possession shall enjoy like most-favoured-nation treatment in the United Kingdom of Great Britain and Ireland so long as such Colony or Possession shall accord to goods the produce or manufacture of the United Kingdom treatment as favourable as it gives to the produce or manufacture of any other foreign country.

21664

No. 425.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.15 p.m., 8th July, 1913.)

TELEGRAM.

[Answered by No. 431.]

(Paraphrase.)

I shall be glad of a telegraphic reply to my Confidential despatch of the 18th June,* as His Majesty's Government are about to institute with the Government of Portugal negotiations for a commercial treaty.

Confidential. His Majesty's Government will endeavour to obtain the insertion of an Article in the treaty enabling the self-governing Dominions and Colonies to adhere, but they are not certain that they will be able to obtain this.—HARCOURT.

* 19037: not printed.

21664

No. 426.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.50 p.m., 8th July, 1913.)

TELEGRAM.

[Answered by No. 460.]

(Paraphrase.)

Please inform your Ministers, with reference to your Confidential despatch of the 1st of March, 1911,* that His Majesty's Government, in view of the fact that negotiations are about to be instituted with the Portuguese Government for a commercial treaty, will be glad to learn whether there are any matters of special interest to the Commonwealth of Australia or whether the position remains as stated in previous correspondence.

Confidential. His Majesty's Government will endeavour to obtain, but they are not certain that they will be able to obtain, the insertion of an Article enabling the self-governing Dominions and Colonies to adhere to the Treaty. It will be necessary for His Majesty's Government, in order even to obtain most-favoured-nation treatment for United Kingdom products, to undertake to legislate to prohibit the importation into, and the sale in, the United Kingdom of any but Portuguese wines under the description "port" and "madeira."

I shall be glad to receive your reply by telegram.—HARCOURT.

21664

No. 427.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL OF CANADA,
THE GOVERNOR OF NEW ZEALAND, AND THE GOVERNOR-GENERAL
OF THE UNION OF SOUTH AFRICA.

(Sent 5.45 p.m., 8th July, 1913.)

TELEGRAM.

[Answered by Nos. 433, 436, and 486.]

(Paraphrase.)

Please inform your Ministers with reference to [my Confidential despatch of the 4th January, 1911,†] [your telegram of the 11th March, 1911,‡] [your Confidential despatch of the 25th February, 1911,§] that His Majesty's Government, in view of the fact that negotiations are about to be instituted with the Portuguese Government for a commercial treaty, will be glad to learn whether there are any matters of special interest to [Canada] [New Zealand] [the Union of South Africa] or whether the position remains as stated in previous correspondence.

Confidential. His Majesty's Government will endeavour to obtain, but they are not certain that they will be able to obtain, the insertion of an Article enabling the self-governing Dominions and Colonies to adhere to the treaty.

I shall be glad to receive a reply by telegraph.—HARCOURT.

23771

No. 428.

FOREIGN OFFICE TO COLONIAL OFFICE.

(Received 10 July, 1913.)

[Answered by No. 435.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of

* 11759: not printed.

† 1572/10: not printed.
§ 8999: not printed.

‡ 7988: not printed.

State, transmits herewith copies of despatches from Sir A. Hardinge (Lisbon), Nos. 43 and 46, Commercial, dated June 24th and 25th, 1913, respectively, respecting the Anglo-Portuguese Commercial negotiations.

Reference to previous letter: to Colonial Office, June 21st, 1913.*

Foreign Office,

July 9, 1913.

(Similar letter sent to Board of Trade.)

Enclosure 1 in No. 428.

(No. 43. Commercial.)

Sir,

Lisbon, June, 24, 1913.

I HAVE the honour to report, in continuation of my despatch, No. 38, of this series, of the 10th instant, that the Foreign Minister spoke to me yesterday afternoon about the question of a special commercial arrangement with Newfoundland.

His Excellency said that enquiries made by him showed that the importation of British cod-fish, including those from Newfoundland, was still greatly in excess of those from Norway and Germany, but that there was no direct trade between Newfoundland and Portugal, all the Newfoundland cod being re-exported for the Portuguese markets from the ports of the United Kingdom. It followed, therefore, that if "British cod" or "United Kingdom cod" obtained most-favoured-nation treatment, that treatment would be in practice extended to all cod from British home ports, whether its origin were British or Colonial, and that Newfoundland would gain no practical advantage from concluding a special *modus vivendi* with this country.

His Excellency went on to say that he would rather deprecate introducing into our discussions the question of special Treaties with the Colonies, as calculated to complicate and delay the negotiations. He seemed to think that the simplest way of dealing with them would be a clause enabling any Colony, whether British or Portuguese, to adhere, if its Government deemed it convenient, to the arrangements between the two mother countries on the same lines as the latter. He said nothing about any compensating advantage to be granted by Newfoundland or other Colonies, and I thought it, therefore, better not to raise this point.

I do not feel absolutely certain of the correctness of his views as to there being no direct trade in fish between this country and Newfoundland, as I have reason to believe, from my own observations in the Province of Algarve, that a considerable number of fishermen from that part of Portugal proceed every summer to British North America, and if they sell their salted fish, as they are most likely to do, to Portuguese purchasers with whom they have contracts at home, it would seem more natural that the latter should receive it direct, or at least through New York, whence there is regular steamship communication with Lisbon, than *via* England. I am, however, making further enquiries on this point.

I have, &c.,

ARTHUR H. HARDINGE.

P.S.—Since writing the above, I have ascertained that the conjecture contained in the last paragraph of my despatch is correct. About twenty-four Portuguese sailing vessels go direct every summer to the Newfoundland fishing banks, and bring the fish back in salt to the ports of Vianna do Castelo, Oporto, Figueira da Foz, and Lisbon, where it is taken out, laid on wooden grids and dry-cured in the sun. Thus prepared, it pays, as "half-cured cod" coming in Portuguese bottoms, 12 reis per kilo., whilst regularly cured fish coming direct from Newfoundland—and a good many such cargoes arrive, my informant tells me, from St. Johns and Nova Scotia—pays 38 reis per kilo., and Norwegian cod (under the Russian treaty) 34 reis. I am calling the attention of the Portuguese Government to the inaccurate information supplied to them.

A. H. H.

* 21161: not printed.

Enclosure 2 in No. 423.

(No. 46. Commercial.)

(Confidential.)

SIR,

Lisbon, June 25, 1913.

WITH reference to my despatch of this series, No. 43, of yesterday's date, I have the honour to transmit to you herewith copy of a private letter which I have just received from the Portuguese Minister for Foreign Affairs.

Besides giving his general views on the question of the suggested most-favoured-nation treatment for Newfoundland cod, Senhor Macieira quotes the actual figures supplied to him of the respective quantities of British and Norwegian cod imported into Portugal in the years 1896 and 1910.

I have, &c.,

ARTHUR H. HARDINGE.

The Right Honourable

Sir Edward Grey, Bart., K.G.,

&c., &c., &c.

SENHOR MACIEIRA to SIR A. HARDINGE.

Ministère des Affaires Etrangères,

Lisbonne, le 24 Juin, 1913.

MON CHER MINISTRE,

EN réponse à votre lettre du 10 courant, j'ai l'honneur de vous faire connaître ce que je pense quant à la manière dont la morue de Terre Neuve peut profiter du traité ou du *modus vivendi* en négociation.

Mais auparavant il me semble intéressant de relever ce fait, que le Norvège jouissant depuis 1896 du traitement de la nation la plus favorisée, qui lui assure l'application du droit de \$034, au lieu de \$039, il ressort néanmoins de la statistique que l'importation de la morue de Terre Neuve a toujours maintenu sa prépondérance en Portugal.

Voici les chiffres relatifs aux années de 1896 et 1910 (année à laquelle se rapporte la dernière statistique portugaise annuelle):

Morue anglaise.		Morue norvégienne.	
1896—kg.	16,107,356	...	7,000,734
1910—kg.	17,478,502	...	9,975,298

La morue de Terre Neuve étant généralement importé en Portugal par voie d'Angleterre, le droit le plus réduit lui sera applicable dès la conclusion du traité ou du *modus vivendi*, attendu qu'aussi bien l'un que l'autre ils étendront le traitement de la nation la plus favorisée aux produits du sol et de l'industrie des deux pays contractants, du moment qu'ils soient réexportés des métropoles respectives.

C'est d'ailleurs le principe convenue dans les traités et conventions en vigueur entre le Portugal et d'autres nations.

Je me plais donc à croire que le Gouvernement de Sa Majesté Britannique reconnaîtra que dans l'espèce il n'y a pas de motif pour nous départir du système qui exclut de nos arrangements commerciaux les relations directes entre le Portugal et les colonies étrangères ou entre nos colonies et toute nation étrangère.

Je profite, &c.,

A. MACIEIRA.

22787

No. 429.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 410.]

SIR,

Downing Street, 10 July, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd of July,* on the subject of the negotiations for a commercial treaty with Portugal, and to enclose paraphrases of telegrams† which have been addressed to the Governors-General and Governors of the self-governing Dominions enquiring whether they have any suggestions to make with regard to the negotiations. A slight alteration has been made in the last sentence of the telegram‡ to the Governor-General

* No. 424.

† Nos. 425 to 427.

‡ No. 426.

of the Commonwealth of Australia in view of the fact that the draft treaty prepared by the Board for communication to the Portuguese Government embodies the contemplated undertaking in regard to "port" and "madeira" wines.

2. I am also to transmit to you, for the consideration of the Board of Trade, the accompanying copy of a memorandum which has been prepared in this Department with regard to the terms of the draft treaty, and I am to ask that Mr. Harcourt may be favoured with an expression of the views of the Board upon the points raised in this memorandum.

3. Copies of this letter and its enclosures, and of the previous correspondence, are being forwarded to the Foreign Office in a letter of even date.

I am, &c.,

H. W. JUST.

Enclosure in No. 429.

MEMORANDUM.

DRAFT OF PROPOSED COMMERCIAL TREATY WITH PORTUGAL.

Article 1.

The question arises whether the first paragraph of this Article is or is not intended to add anything to the other provisions of the draft treaty. If it is so intended, some explanation of its precise scope would be desirable.

If it is not so intended, it would appear better to omit it, especially as in its present form it raises more than one difficulty.

- (a) The substitution of the words "subjects or citizens" for the word "territories" used in the model draft, on the one hand, suggests that the treaty operates in foreign countries and in national territories to which the treaty may not extend, and, on the other, would not exhaustively describe the effect of the treaty, even if it were limited to the territories to which the treaty would be applicable. The treaty covers, for instance, goods the produce of one country which may be exported from that country, not only by natives, but also by natives of the other country or by subjects of third countries. Again, it is not to be assumed that British subjects in Portugal, for instance, are engaged exclusively in transactions with Portuguese citizens. The other parties to such transactions may be British subjects or the nationals of other Powers.

In any case, it seems somewhat strange to speak of navigation between persons.

- (b) It is not understood why the phrase "full and complete freedom" has been substituted for the phrase "reciprocal freedom" used in the model draft. "Full and complete freedom" implies at least full and complete national treatment, but to a considerable extent the treaty rests only on a most-favoured-nation basis.

It is not understood why the words "whether their residence there is of a permanent or temporary character" have been inserted in Article 1 and not in Article 2. As regards the last sentence of paragraph 2 of Article 1, it is observed that there is no reference to most-favoured-nation treatment as in the model draft. It is presumed that such a reference is thought unnecessary in view of the general most-favoured-nation provisions included in Article 3.

Article 4.

This article provides for national treatment in respect of the acquisition and possession of property, whereas the corresponding Article of the model draft (No. 3) provides only for most-favoured-nation treatment. The model draft has been communicated to the self-governing Dominions, and it is, therefore, not desirable to depart from it except so far as may be actually necessary in the special circumstances. From the point of view of rendering the adherence of the Colonies easy it would be preferable to deal with the matter on a most-favoured-nation rather than a national basis.

Article 5.

The special references to the United Kingdom and Portugal are not consistent with the second sentence of the Article nor with the rest of the treaty—and if they are retained it will apparently not be possible (*cf.* Article 8 of the treaty with Japan) for adhering Colonies to get the benefit of the provisions in which they appear—in which event there would be little point in endeavouring to secure the insertion of an Article enabling the Colonies to adhere.

Article 7.

It is not clear why Article 20 of the model draft, which deals with marks of origin, has been omitted, in view of the fact that it is proposed by this Article to restrict to Portuguese wines certain appellations suggesting Portuguese origin.

Article 11.

It is noticed that the second paragraph of the corresponding Article of the model draft (No. 8) has been omitted. There seems to be no objection from the point of view of the Colonial Office, but it would be desirable to know why the omission has been made.

Article 13.

It is presumed that the second sentence of the first paragraph of this Article has been inserted in order to prevent a repetition of what has happened in the case of Japan, which has reserved her coasting trade to Japanese vessels, but cannot be excluded from our coasting trade so long as it is open to the vessels of other nations.

The third paragraph of this Article calls for careful examination. It provides, in effect, that the trade in question shall not be regarded as coasting trade. This is not the case with the corresponding Article (No. 12) of the model draft, which merely provides for an exception to the reservation of the coasting trade, not for taking such trade out of the definition of coasting trade. It is necessary that the trade in question should remain coasting trade, in order that it may remain subject to Colonial legislation.

Further, as the paragraph is drafted at present, it would appear to be open to a Portuguese vessel to devote itself exclusively to the trade in question between British ports. It is presumed that this was not intended. The exception in the model draft is in favour only of vessels "engaged in trade to or from places not within the limits of the coasting trade so reserved."

It is noticed that it is stipulated that the through traffic must be to or from places outside ^{British} ~~Portuguese~~ territories (the words "and Dominions" should be omitted, for the reason which will be explained under Article 19). In the model draft, the stipulation is that the through traffic must be "to or from places not within the above-mentioned limits." (See the limits of the reserved coasting trade.) It is for consideration whether it is necessary or desirable to go beyond the model draft in this respect.

Finally, as it cannot be intended to provide for British ships trading between two British ports, it would seem desirable to insert after "no vessel" the words "of either contracting State" and to substitute for "one of the Contracting States" "the other Contracting State."

Article 15.

This provides for most-favoured-nation treatment, whereas the model draft (Article 15) provides for national treatment. No exception need be taken to this change.

Article 19.

The words "Dominions and Possessions" should be omitted and the word "territories" substituted (*cf.* Article 20). The word "Dominions" is used in a special sense in Articles 22 and 24, and it is not desirable to use it differently in other Articles.

Article 22.

The second paragraph of this Article is reciprocal in form but not in substance, and it might further be argued that His Majesty's Government should not impose obligations on the United Kingdom in order to secure advantages for the Dominions and Colonies. This is, however, hardly a point for the Colonial Office to raise, but the second paragraph should not be pressed if it is likely to prejudice the success of the effort to obtain the right to adhere for the Dominions and Colonies.

Article 23.

No such Article is to be found in the model draft, but there are various precedents (for a list of the commercial treaties at present in force which contain arbitration articles, see page 1,043 of the new volume of commercial treaties). These precedents were, however, deliberately rejected when the model draft was prepared. As already suggested, it appears undesirable to make unnecessary departures from the model draft, and we have already a General Arbitration Agreement with Portugal.

In any event, it is presumed that the reference to "the tariff schedule annexed" to the treaty should be omitted.

22787/5

No. 430.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 446.]

(Confidential.)

SIR,

Downing Street, 10 July, 1913.

WITH reference to your letter of the 23rd of June,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of correspondence† with the Board of Trade, on the subject of the proposed negotiations for a commercial treaty with Portugal.

2. Mr. Harcourt will be glad to receive an intimation of the views of Sir Edward Grey on the questions raised in the memorandum enclosed in the letter to the Board of even date.‡

I am, &c.,

H. W. JUST.

23916

No. 431.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5.15 p.m., 11th July, 1913.)

TELEGRAM.

(Paraphrase.)

With reference to your Confidential despatch, 18th June, and telegram, 8th July,§ my Ministers state that they are prepared to grant a reduction of import duties on wines, the product of Portugal, from 1 dollar 80 cents to 1 dollar per gallon, in return for the admission of fish into Portugal on the minimum tariff under most-favoured-nation treatment.—DAVIDSON.

24097

No. 432.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th July, 1913.)

SIR,

Foreign Office, 12th July, 1913.

WITH reference to your letter, 11779/1913, of the 17th April,|| respecting the counter-proposals of the Russian Government for the termination of the Anglo-Russian Commercial Treaty of 1850 in respect of the self-governing Dominions, I

* 21164; not printed.

† Nos. 420, 421, 424, and 429.

‡ No. 429.

§ 19037; not printed; and No. 425.

|| No. 391.

am directed by Secretary Sir E. Grey to state that a telegram from the Government of India has now been communicated to this Department by the India Office, on the subject of the proposed amendment of Clause 2 of the Additional Article II., according to which British goods would not benefit by any concessions which may be made by the Russian Government to goods entering Russia from conterminous Asiatic States.

The Government of India point out that the value of Indian tea exported to Russia during the year 1911-12, amounted to eight hundred and seventy-three thousand six hundred and seventy pounds, and they consider that if the additional Article 2 of the Treaty is amended in the manner indicated, there would be great risk of this export trade in Indian tea being placed at a disadvantage in competition with China tea. If some concession is unavoidable, they would prefer the amendment put forward by the Board of Trade, limiting the operation of the clause to natural products, but in the interests of India they are strongly opposed to any modification of the clause in the sense desired by the Russian Government. They add that sub-clause 2 (c) of the proposed Protocol would not be so objectionable if it applied only to overland trade.

The Board of Trade are now being asked for their observations both on this point and on the objections raised in your letter of the 17th April (11779)* to their proposals for the revision of Article V. of the Russian Treaty.

I am, &c.,
A. LAW.

24329

No. 433.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.20 a.m., 13th July, 1913.)

TELEGRAM.

(Paraphrase.)

I am desired by my Government to inform you, in reply to your telegram of the 8th July,† as to the treaty of commerce with Portugal, that the position as regards the interests of New Zealand remains the same as stated in previous correspondence with His Majesty's Government.—LIVERPOOL.

23771

No. 434.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 18 July, 1913.

With reference to the letter from this Office of the 10th July,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copies of telegrams§ from the Governors of New Zealand and of Newfoundland, regarding the proposed negotiations for a commercial treaty with the Portuguese Government.

2. The views of the New Zealand Government in 1911 were conveyed in a telegram from the Governor of the 11th March, 1911,|| of which a copy accompanied the letter from this Office of the 14th idem.¶

3. Mr. Harcourt has also received from the Foreign Office copies of Sir A. Hardinge's despatches, Nos. 43 and 46, Commercial, of the 24th and 25th June,** from which he observes that the Portuguese Foreign Minister appears to be ready to accept in the treaty a clause providing for the adherence of His Majesty's Government in respect of any British possession. Mr. Harcourt trusts that every effort will be made in the negotiations with Portugal to secure the insertion of this clause.

4. It will be seen that the Government of Newfoundland are prepared to offer a reduction in the duties on port and madeira if desired by the Portuguese Govern-

* No. 294. † No. 427. ‡ No. 429. § Nos. 433 and 431.
¶ 7988: not printed. † L.F. ** Enclosures in No. 428.

ment. Mr. Harcourt thinks, however, that unless the Portuguese Government ask for some concession, no offer should be made in this behalf to the Portuguese Government, as it may suggest to that Government the possibility of asking for similar concessions from the Governments of the other self-governing Dominions.

I am, &c.,
H. W. JUST.

23771

No. 435.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 18 July, 1913.

With reference to your letter of the 9th July,* and to the letter from this Office of the 10th idem,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copies of two telegrams‡ from the Governors of New Zealand and Newfoundland, on the subject of the proposed negotiations with the Portuguese Government for the conclusion of a commercial treaty.

2. I am also to enclose a copy of the letter§ which has been addressed to the Board of Trade, in which it is suggested that every effort should be made to secure the acceptance by the Portuguese Government of the usual provisions for adherence in respect of His Majesty's overseas possessions and Protectorates.

I am, &c.,
H. W. JUST.

25501

No. 436.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12.25 p.m., 23rd July, 1913.)

TELEGRAM.

Confidential. 23rd July. Your telegram of 8th July.|| Ministers state that position is still as set forth in their minute of 21st February, 1911.¶

If it has not already been done I would suggest British South Africa Company might be consulted as regards Rhodesian interests.—GLADSTONE.

25501

No. 437.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

[Answered by No. 446.]

SIR,

Downing Street, 25 July, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir Edward Grey] [the Board of Trade], the accompanying copy of a telegram** from the Governor-General of the Union of South Africa regarding the proposed commercial treaty with Portugal. A copy of the minute of the Union Ministers of the 21st February, 1911, to which reference is made in Lord Gladstone's telegram, was forwarded to you in the letter from this Office of the 24th of March, 1911.††

2. It will be observed that Lord Gladstone suggests that the British South Africa Company should be consulted as regards the interests of Rhodesia. Mr.

* No. 428. † No. 429. ‡ Nos. 433 and 431. § No. 434. ¶ No. 427.
¶ Enclosure in 8999/11: not printed. ** No. 436. †† 8999/11: not printed.

Harcourt concurs in thinking that this step is desirable, and, with the concurrence of [Sir Edward Grey] [the Board of Trade], he proposes to invite an expression of opinion of the Company on this question.

3. A similar letter has been addressed to the [Board of Trade] [Foreign Office].

I am, &c.,
H. W. JUST.

26023

No. 438.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28 July, 1913.)

[Copy to Foreign Office and Board of Trade, 2 August, 1913. L.F.]

(Confidential.)

SIR,

Government House, St. John's, 14th July, 1913.

I HAVE the honour to acknowledge receipt of your Confidential despatch of the 18th ultimo and of your telegraphic communication dated the 8th instant,* regarding the negotiations now about to be instituted for the conclusion of a commercial treaty with the Government of Portugal.

On the 11th instant, I sent a telegraphic reply† to the effect that my Ministers are prepared to grant a reduction of the import duties on wines the product of Portugal (viz., port and madeira) from \$1.80 per gallon to \$1 per gallon in return for the admission into Portugal of fish from Newfoundland at the minimum tariff.

It is understood that the minimum tariff applying to fish imported into Portugal from Germany and from Norway is at the rate of 34 reis per kilo. This matter, of great importance to Newfoundland, is set forth in my Confidential despatch dated the 3rd of April last.‡

2. In years past, large quantities of port wine have been sent, especially by the firm of Messrs. Newman, to St. John's, to mature, as the climate and conditions of Newfoundland appear to be especially suitable for the purpose. Of late years the importation has decreased, but port wine continues to be the wine which is most generally consumed in this Colony.

The substantial reduction of the duty which is now offered would, it is believed, lead to a considerable increase in local consumption.

I have, &c.,
W. E. DAVIDSON.

26680

No. 439.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2 August, 1913.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 9 July, 1913.

I HAVE the honour to transmit to you herewith, with reference to your despatch, Confidential (2) of 26th May,§ a copy of a minute, No. 684, dated 7th July, from Ministers, on the subject of an Anglo-Swiss Treaty.

I have, &c.,
GLADSTONE,
Governor-General.

* 9037 : not printed and No. 425.

† No. 431.

‡ 13490 : not printed.

§ No. 408.

Enclosure in No. 439.

(Minute, No. 684.)

(Confidential.)

Prime Minister's Office, Pretoria, 7th July, 1913.

With reference to His Excellency the Governor-General's confidential minute of the 18th ultimo, No. 62/245, transmitting a copy of a despatch, Confidential (2), dated 26th May last, from the Right Honourable the Secretary of State for the Colonies, Ministers concur in the conclusion of a treaty with the Swiss Federation in the terms of the protocol submitted in the Swiss Minister's note of the 25th April, 1913.

LOUIS BOTHA.

26750

No. 440.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 4 August, 1913.)

[Answered by No. 444.]

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.,

2nd August, 1913.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of July 10th (No. 22787),* respecting the negotiations for a commercial treaty with Portugal, with which was forwarded copy of a memorandum on the draft treaty recently submitted for the consideration of the Portuguese Government.

The Board fear that Mr. Secretary Harcourt is under some misapprehension as to the history of the negotiations and the steps which have led up to the preparation of the present draft. I am, accordingly, to explain that the original draft of a treaty was prepared by the Portuguese Government in 1910, and this draft was taken as the basis of subsequent negotiations. A counter-draft was submitted by His Majesty's Government in 1911, in which the phraseology of the Portuguese draft was preserved as far as possible, though in certain cases it was found necessary to depart from it and to substitute the phraseology and, in some instances, entire articles from the current edition of the British model draft, which itself differs in certain respects from the model draft now in use. The counter-draft in question was in turn submitted to criticism by the Portuguese Government, and the present revised counter-draft has been framed with a view to meeting these criticisms so far as possible.

Mr. Harcourt will therefore recognise that it would be undesirable at the present stage to attempt to revert to proposals which it has been found necessary to abandon in the course of the negotiations, or to seek to modify the phraseology so as to make it accord in every respect with the model draft now in use. In these circumstances, it appears to the Board to be unnecessary to deal in detail with the criticisms on the wording of Articles (1), (4), (7), (13), (15), (19), and (22) which have been advanced by your Department.

As regards, however, the form of Article (5) of the present counter-draft, the omission from Article (11) of any stipulation for the admission of samples free of duty (no such stipulation having been included in the model Article in use in 1911), and the reference to a tariff schedule in Article (23) (which has been inadvertently retained from the earlier counter-draft, which included such a schedule), the Board recognise the desirability of amending the provisions in question, and will see that the points are duly borne in mind when the negotiations reach a more advanced stage.

I have, &c.,
GEO. J. STANLEY.

* No. 423.

26698

No. 441.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4 August, 1913.)

[Answered by No. 442.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, with reference to the Foreign Office letter of the 4th June last,* respecting the Convention of May 16th, 1913, between the United Kingdom and Norway (relative to the position of the British self-governing Dominions in regard to the Commercial Convention of 1826), is directed by Secretary Sir E. Grey to enquire whether Mr. Secretary Harcourt concurs in His Majesty's ratification of the Convention being now despatched to His Majesty's Minister at Christiania for exchange at the proper time against that of His Majesty the King of Norway.

Foreign Office,
August 2, 1913.

26698

No. 442.

COLONIAL OFFICE to FOREIGN OFFICE.

Sir,

Downing Street, 7 August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 2nd of August,† respecting the Convention of May 16th, 1913, between the United Kingdom and Norway, relative to the position of the British self-governing Dominions in regard to the Commercial Convention of 1826, and to request you to inform Secretary Sir E. Grey that he concurs in His Majesty's ratification of the Convention being now despatched to His Majesty's Minister at Christiania for exchange at the proper time against that of the King of Norway.

2. It is regretted that by an oversight a reply to this effect was not returned to your letter of the 4th of June.*

I am, &c.,

HENRY LAMBERT

for the Under-Secretary of State.

27609

No. 443.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9 August, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Tokio, No. 178, dated June 26th, 1913, respecting the registration of trade marks, &c., in Japan by British Canadian and Indian subjects.

Reference to previous letter: to Colonial Office, March 1, 1913.‡

Foreign Office,
August 9, 1913.

Enclosure in No. 443.

(No. 178.)

Sir,

Tokyo, 26th June, 1913.

With reference to your despatch, No. 25, and your despatch, No. 50 of the 6th March and 20th May respectively, respecting the registration by British Canadian and Indian subjects of trade marks, &c., &c., in Japan, I have

* No. 412.

† No. 441.

‡ No. 375.

the honour to enclose herewith copies of correspondence which has passed between the Commercial Attaché to this Embassy and the Director of the Commercial Bureau in the Foreign Office.

It will be seen that two of the points raised in your despatch, No. 50, are now satisfactorily settled. That is to say, the Japanese authorities (1) will recognize not only British subjects by birth, but also by descent, and (2) they are prepared to accept the form of affidavit suggested by the India Office in their letter R. and S. 131 of February 11th last, in connexion with Indians, born after the introduction of registration regulations, who cannot produce birth certificates.

As regards the further point raised by the India Office in their letter of the 30th April last, it would appear to me advisable that Mr. Barker should be asked to submit the Indian certificates relating to Messrs. Valabhji for inspection, so that I might be sent a despatch stating that these individuals "have the full and perfect status of British subjects."

I do not anticipate that it will be necessary to make any use of this despatch, but, as it will be the first case of its kind coming before the Patent Bureau authorities, it would be better to have the despatch in the event of its production being required.

In future cases I think a mere certificate of identity or authenticity is all that will be necessary once the precedent has been established.

I have, &c.,

CONYNGHAM GREENE.

Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

DEAR MR. SAKATA,

9th April, 1913.

With reference to your letter of November 5th last on the question of the registration of trade marks, &c., in Japan by British subjects born in Canada or India or other parts of the British Empire which have not adhered to the 1911 Treaty of Commerce and Navigation, I have now been instructed, as I informed you the other day, to ascertain your opinion on the following points:—

- (1) In your letter reference was only made to cases of British subjects by birth. It is presumed that this, however, would be taken to include British subjects whose claim to British nationality rests not on birth but on descent, *i.e.*, those whose father or grandfather were of British birth, for according to our law all persons born in lawful wedlock out of His Majesty's dominions whose fathers or grandfathers in the paternal line were natural-born British subjects are entitled to claim British nationality, except in certain cases where the father or grandfather has renounced his British nationality.
- (2) It is also presumed that British companies, *i.e.*, companies registered in parts of the British Empire, would have the same rights as British subjects.
- (3) According to the general law of India, registration of births is voluntary and not compulsory. There are consequently many Indians born after the introduction of registration regulations who cannot produce birth certificates. Would it be acceptable to the proper authorities if we arranged that an affidavit should be made which would have to be authenticated as to the identity of the deponent by a local magistrate or other official in India and subsequently certified to by the British Ambassador here. An affidavit so authenticated is the evidence required in India to prove a power of attorney executed in the United Kingdom.

I shall be much obliged if, after consultation with Mr. Nakamatsu, you can let me have an answer to the above questions.

Yours sincerely,

E. F. CROWE.

J. Sakata, Esq.,
&c., &c., &c.,
Foreign Office.

(Translation.)

SIR,

Foreign Office, Tokio, June 24th, 1913.

I HAVE the honour to acknowledge receipt of your letter of 9th April last, saying you had been instructed to ask for my opinion on three points arising out of my letter of November 5th, 1912, on the subject of the registration of trade marks, &c., in this country by British subjects born in a part of the British Empire.

After consultation with the proper authorities I beg to reply as follows:—

- (1) The term British subject used in my letter is, as you presume, meant to include not only British subjects born in British dominions but also those who are, according to British law, British subjects by descent.
- (2) As to your second question I am unable to reply having not yet received an answer from the proper authorities on this point.
- (3) In connection with the third point, as, according to the general law of India, registration of births is voluntary and not compulsory, there are cases of Indians born after the coming into force of the registration regulations who cannot produce birth certificates, the Japanese authorities concerned will receive the applications (for registration of trade marks, &c.) if you can arrange that, in the sense of your suggestion, an affidavit should be made which would be authenticated as to the identity of the deponent by a local magistrate or other official in India and subsequently certified to by the British Ambassador.

Further, in the opening paragraph of your letter you refer to "the registration of trade marks in Japan by British subjects born in parts of the British Empire which have not adhered to the 1911 Treaty of Commerce and Navigation," but, as you are aware, the above Treaty has no connection at all with this question and the subject is entirely regulated by the provisions of the International Convention for the Protection of Industrial Property.

As you are, of course, informed about this point, I presume it was through some slip of the pen that you made the mistake, and I therefore only wish to draw your attention to it.

I have, &c.,
J. SAKATA,
Director, Commercial Bureau.

E. F. Crowe, Esq.,
Commercial Attaché.

SIR,

June 25th, 1913.

I HAVE the honour to acknowledge with thanks receipt of your letter of the 24th instant, in which you explain the view of the Japanese authorities concerned on two of the points which I submitted to you in connection with the question of the registration of trade marks, &c., by British subjects born in a part of the British Empire. I shall be glad to hear, later on, the opinion of the Patent Office about the question of companies.

With regard to my reference to the Treaty of 1911, it is, of course, the Convention for the Protection of Industrial Property which rules these cases, but it is none the less true that we are entitled under our most-favoured-nation clause to claim the protection which the American-Japanese Treaty gives with regard to trade marks, patents, &c.

I have, &c.,
E. F. CROWE,
His Majesty's Commercial Attaché.

J. Sakata, Esq.,
Director,
Commercial Bureau,
Foreign Office.

26750

No. 444.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by 20693 : not printed.]

SIR,

Downing Street, 9 August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 2nd of August,* respecting the negotiations for a commercial treaty with Portugal.

2. Mr. Harcourt has noted the views of the Board of Trade as to the history of the present draft treaty. He desires me, however, to point out that, as will be seen from the letter from this Office of the 31st of December, 1912,† on the 16th of September, 1912, he addressed a despatch‡ to the Governors-General and Governors of the self-governing Dominions, in which he forwarded copies of the revised form of the draft treaty of commerce and navigation, prepared in consultation with the Secretary of State for Foreign Affairs and the Board of Trade, and stated that it was intended to form the basis of future negotiations for general treaties of commerce and navigation undertaken by His Majesty's Government. Mr. Harcourt feels, therefore, that it would be difficult to explain in a convincing manner to the self-governing Dominions why it has been thought fit to depart so largely in the present draft from the wording of the model treaty.

3. A copy of the correspondence is being sent to the Foreign Office.

I am, &c.,
H. J. READ,
for the Under-Secretary of State.

26750

No. 445.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 446.]

SIR,

Downing Street, 9 August, 1913.

WITH reference to the letter from this Office of the 10th of July,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of correspondence|| with the Board of Trade, on the subject of the negotiations for a commercial treaty with Portugal.

2. Mr. Harcourt will be glad to receive any observations which Sir Edward Grey may desire to offer on these papers.

I am, &c.,
H. J. READ,
for the Under-Secretary of State.

28354

No. 446.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15 August, 1913.)

[Answered by No. 448.]

SIR,

Foreign Office, August 14, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 26750/1913, of the 9th instant,* enclosing copy of correspondence between your Department and the Board of Trade on the subject of the negotiations for a commercial treaty with Portugal.

As Mr. Secretary Harcourt is aware, the absence of any agreement according most-favoured-nation treatment to British trade with Portugal is a matter of grave concern to the various British interests involved, which suffer to no small extent from the competition of countries enjoying most-favoured-nation treatment in Portugal, and Sir E. Grey is disposed to think that the progress of the negotiations in

* No. 440.

† 26342 : not printed.

‡ No. 286A.

§ No. 430.

¶ Nos. 440 and 441.

‡ No. 445.

regard to the proposed treaty will be facilitated if His Majesty's Government refrain from introducing alterations in the draft treaty except where it is necessary to meet the express wishes of the Portuguese Government on special points. Sir E. Grey concurs generally, therefore, in the reasons advanced by the Board of Trade in their letter of the 2nd instant* for preserving as far as possible the phraseology of the original Portuguese draft which was submitted to His Majesty's Government in 1910, but he is, at the same time, prepared to adopt the suggestions contained in the last paragraph of that letter in regard to the amendment of Articles 5 and 11, and also the substitution of the word "territories" for the words "dominions and possessions" in Article 19, all of which suggestions were contained in the Colonial Office memorandum which was communicated to the Board of Trade and to this Department on the 10th ultimo.†

With regard to the last sentence of the second paragraph of your letter to the Board of Trade of the 9th instant,‡ I am to state that, when it is remembered that the draft treaty, in its present form, is a counter-draft to the original Portuguese proposals, there would not appear to be any difficulty in explaining to the self-governing Dominions why the text differs in certain respects from that of the model draft.

In conclusion, I am to refer to your letter, No. 25501/1913, of the 25th ultimo.§ and to say that, from the point of view of this Department, there is no objection to the opinion of the British South Africa Company being invited in regard to the interests of Rhodesia, as Mr. Harcourt considers this step desirable.

I am, &c.,
A. LAW.

28412

No. 447.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.50 a.m., 15th August, 1913.)

TELEGRAM.

[Answered by No. 472.]

Your despatch of 26th May, Confidential.|| Anglo-Swiss Treaty, 1855. Government of Commonwealth of Australia agreeable to suggestion that power of termination be limited to articles nine and ten, and that Papua and Norfolk Island be included in any withdrawal of the Commonwealth. My Ministers would be glad if signing of protocol and ratification by Swiss Federal Assembly could be expedited as much as possible, and desire that, thereupon, immediate notice of withdrawal may be given on behalf of Commonwealth.—DENMAN.

28354

No. 448.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 452.]

Sir,

Downing Street, 27th August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 14th instant,¶ on the subject of the negotiations for a commercial treaty with Portugal.

2. In addition to the amendments in the draft treaty which it is noted that Secretary Sir E. Grey is prepared to adopt, Mr. Harcourt considers it essential that the word "territories" should be substituted for "subjects and citizens" in the first paragraph of Article 1. Apart from the other objections pointed out in the Memorandum enclosed in the letter from this Department of the 10th July, the words "subjects and citizens" are in themselves inconsistent with a "Colonial Article," which, as the Law Officers have advised, has a purely geographical application.

* No. 449. † Nos. 429 and 430. ‡ No. 445. § No. 437. ¶ No. 408. ¶ No. 446.

3. As regards Article 4 and the last paragraph of Article 13 of the draft treaty, the wording of the model draft seems to Mr. Harcourt preferable, but I am to point out that in any case the words "and Dominions" in the last line of Article 13 should be omitted, in addition to the similar correction made in Article 19.

4. A copy of this letter is being sent to the Board of Trade.

I am, &c.,
H. W. JUST.

28354

No. 449.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 451.]

Downing Street, 27th August, 1913.

Sir,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 25th instant,* and to transmit to you, to be laid before the Board of Trade, a copy of correspondence† with the Foreign Office, on the subject of the negotiations for a commercial treaty with Portugal. Mr. Harcourt would be glad to learn that on reconsideration the Board concur in the amendments in the draft treaty suggested in the letter to the Foreign Office enclosed.

I am, &c.,
H. W. JUST.

30472

No. 450.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12 noon, 1st September, 1913.)

TELEGRAM.

Confidential. Your despatch of 26th May, Confidential.‡ My Government concur in conclusion of treaty with Swiss Federation in terms of protocol submitted in Swiss Minister's Note 25th April.§—LIVERPOOL.

30729

No. 451.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 3 September, 1913.)

Board of Trade (Commercial Department), Gwydyr House,

Sir,

Whitehall, London, S.W., 2nd September, 1913.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 27th August (No. 28354)|| transmitting copy of a letter to the Foreign Office, relative to the negotiations for the conclusion of a commercial treaty with Portugal.

The Board see no objection to Mr. Secretary Harcourt's proposal that the word "territories" should be substituted for the words "subjects and citizens" in the first paragraph of Article 1, and that the words "and Dominions" should be omitted in Article 13, provided these alterations in the draft, which it is understood was transmitted to His Majesty's Legation at Lisbon for communication to the Portuguese Government on the 16th August, can now be made without undue inconvenience.

The Board observe that no reference is made in your letter to the words "and Dominions" in the first paragraph of Article 13, but they presume that Mr. Harcourt desires the omission of these words from the first paragraph as well as from the third paragraph of that Article.

As regards Article 4, the Board venture to think that, for the reasons stated in their letters of the 2nd and the 25th August,¶ it would be inadvisable to effect any alterations in its terms at the present stage.

I have, &c.,
GEO. J. STANLEY.

* 29693; not printed. † Nos. 446 and 448. ‡ No. 408.
§ No. 13 in Dominions No. 50. ¶ No. 449. ¶ No. 440 and 29693; not printed.

31397

No. 451A.
CANADA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8 September, 1913.)

[Copy to Foreign Office, 11 September, 1913. L.F.]

[Answered by No. 492.]

(Confidential.)

SIR,

Government House, Ottawa, 29 August, 1913.

I HAVE the honour to transmit, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs, requesting that steps may be taken to obtain through the Foreign Office and His Majesty's Ambassador at Tokio copies of the legislative enactments and executive regulations framed thereunder, in relation to the regulation of immigration into Japan and the disabilities imposed upon foreigners seeking to engage in business in that Empire, as well as any other information of a cognate nature.

I have, &c.,

C. FITZPATRICK,
Administrator.

Enclosure in No. 451A.

FROM DEPARTMENT OF EXTERNAL AFFAIRS TO GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

SIR,

Ottawa, 28th August, 1913.

IN view of the fact that the question of Japanese immigration into Canada bids fair to develop in the near future, it seems expedient that this Department should be thoroughly equipped for full discussion and consideration of this, and subjects germane thereto, as they may arise.

- (1) It is generally understood that the Japanese Government have taken drastic legislative measures so to control the entry of Chinese into Japan as to prevent competition on the part of that race similar to that experienced by the people of British Columbia at the hands of the Japanese. It would be very desirable that this Department should be placed in possession of such legislative or administrative enactments.
- (2) When on a public mission to Japan some years ago, I was given to understand that the Japanese laws, if they did not altogether prevent the holding of land by foreigners, were extremely restrictive in their practical operation, and further
- (3) The regulations governing Japanese fisheries were so stringent as to exclude aliens from participation therein.

I am to ask that His Excellency the Administrator of the Government may be humbly moved to request the Secretary of State for the Colonies to take the necessary steps to obtain through the Foreign Office and His Majesty's Ambassador at Tokio (if possible in triplicate) copies of the legislative enactments and executive regulations framed thereunder, to which I have referred, in relation to the regulation of immigration into Japan, and the disabilities imposed upon foreigners seeking to engage in business in that Empire, as well as any other information of a cognate nature.

I have, &c.,

JOSEPH POPE,
Under-Secretary of State for
External Affairs.

The Governor-General's Secretary,
Ottawa.

31592

No. 452.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10 September, 1913.)

(Confidential.)

SIR,

Foreign Office, September 8th, 1913.

WITH reference to your letter, No. 28354, of the 27th ultimo,* on the subject of the proposed treaty of commerce with Portugal, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of the despatch which is being addressed to His Majesty's Chargé d'Affaires at Lisbon, in regard to the suggested alterations of the text of Articles 1 and 13 of the revised draft treaty.

I am at the same time to enclose, for the information of Mr. Secretary Harcourt, a copy of the draft† of the treaty which was sent to His Majesty's Legation at Lisbon on the 16th ultimo for communication to the Portuguese Government.

I am, &c.,

RALPH PAGET.

Enclosure in No. 452.

(No. 56. Commercial.)

SIR,

Foreign Office, September 8th, 1913.

WITH reference to my despatch, No. 49, Commercial, of the 16th ultimo, enclosing the revised draft of the Treaty of Commerce and Navigation with Portugal, I have to inform you that, as a result of correspondence which has now passed with the Colonial Office, it is considered necessary to substitute the word "territories" for the words "subjects and citizens" in the first paragraph of Article I, and to omit the words "and Dominions" in the first and third paragraphs of Article 13.

The Colonial Office point out that among other considerations the words "subjects and citizens" are in themselves inconsistent with a Colonial Article, and as regards Article 13, the word "Dominions" is used in a special sense in Articles 22 and 24, and it would be undesirable to use it differently in other Articles.

I request, therefore, that you will bring these suggested alterations in the text to the notice of the Portuguese Government, or, if it should appear to you more convenient to await the reply of the Portuguese Government to the present proposals, that you will bear these two points in mind until a suitable opportunity presents itself of introducing the necessary amendments.

I am, &c.,

RALPH PAGET.

C. J. Wingfield, Esq.,
&c., &c., &c.

31593

No. 453.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th September, 1913.)

[Answered by No. 454.]

SIR,

Foreign Office, 8th September, 1913.

WITH reference to the letter from this Department of the 12th July,‡ respecting the proposed amendment of the Anglo-Russian Commercial Treaty of 1859, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a further letter on the subject from the Board of Trade.

2. The India Office are being consulted as regards the points raised in §2 and 3 of the Board of Trade letter, respecting the preferential duties which it is proposed to allow the Russian Government to impose on goods imported from conterminous Asiatic countries. I am also to enclose herewith copy of a memorandum drawn up in this Department showing the practice of the Russian Government in this matter.

* No. 443.

† Not reprinted.

‡ No. 432.

3. As regards the amendment of Article 4 of the Russian draft declaration, I am to point out that, if the omissions now suggested by the Board of Trade were adopted, the Article would still apply to British vessels as well as British subjects. As the status of British Colonial vessels is, as stated in your letter, 4055/1913, of the 24th February,* somewhat uncertain, I am to propose that further consideration of the amendments to be introduced into this Article should be suspended until Sir E. Grey has been furnished with the views of the Law Officers on the question of the status of British Colonial ships which is about to be submitted to them. The reference to the Law Officers will, before being sent off, be submitted in draft form to Mr. Secretary Harcourt for his concurrence.

4. With reference to the point raised in §3 of your letter of the 17th April,† I am to state that Sir E. Grey concurs in the view that it will be necessary to draft the agreement with the Russian Government in such a way as to make it clear that Article VI. of the present Russian draft, including the further provision suggested in §9 of the Board of Trade letter copy of which was sent to you on the 8th April,‡ is to be considered as forming part of the Treaty itself, and therefore not binding on any Dominion which shall withdraw therefrom. I am to suggest that this fact should be explained to the Dominions, should Mr. Harcourt still consider it necessary to obtain their concurrence in the amendments which it is proposed to introduce into the Treaty. It should in that case also be made clear to them that, as regards trade with conterminous Asiatic countries, Russia does in fact already act as she would be empowered to act by the present proposal.

I am, &c.,

RALPH PAGET.

Enclosure 1 in No. 453.

Board of Trade (Commercial Department),

Sir, Gwydyr House, Whitehall, London, S.W., 19th August, 1913.

I AM directed by the Board of Trade to refer to your letters of the 12th July and the 6th August, regarding the proposed Protocol for the withdrawal of His Majesty's self-governing Dominions from the Anglo-Russian Commercial Treaty of 1859, and to offer the following observations thereon for Sir E. Grey's consideration.

The Board note the views of the Government of India with regard to the suggested modification of additional Article II. (2) of the Treaty above referred to, and in particular the fact that their objections would be considerably modified, if not removed, if sub-clause (2) (c) of the Board's re-draft of Article 6 of the Russian Counterdraft were modified so as to apply to overland trade only.

I am to observe that the present Russian practice, which the new Article is intended apparently merely to recognise and regularise, is in fact to give special rates in the case of overland trade; and the Board are disposed to think that an express limitation to overland trade might therefore be inserted in the Article. The argument against accepting the new Article would, in their opinion, have more weight if it had been drafted with a view to the introduction by Russia of a system of differential duties not in operation at present.

As regards the letter from the Colonial Office of the 17th April, to which reference is made in your letter of July 12th, the Board appreciate the observations of that Department with regard to Article 4, and are disposed to agree that the Article, even when amended in the manner suggested in the second paragraph of their letter of the 27th March last, is open to objection from the point of view of the Law Officers as expressed in their Opinion of April, 1911. I am, however, to enquire whether the objections of the Colonial Office would be met by the omission of the words "subjects" and "citizens" throughout in Article 4.

With reference to paragraph 3 of the Colonial Office letter, the Board had, of course, contemplated that the Protocol would be so drafted as to have the effect of adding the new Article 6 to the Treaty. It was never intended that it should be made binding on Colonies which withdrew therefrom. There would seem, so far as the Board are aware, to be no objection (if the Colonial Office insist on this course) to the proposal being explained to the various Colonies, but in doing so it should be made clear that as regards trade with conterminous Asiatic countries, Russia does in fact already act as she would be empowered to act by this proposal.

* No. 371.

† No. 294.

‡ No. 359.

As regards the 4th paragraph of the Colonial Office letter, the Board see no objection to the suggested consultation of the Law Officers as to the position of vessels of withdrawing Dominions, nor to delaying the negotiations pending the receipt of their reply.

I have, &c.,

GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

Enclosure 2 in No. 453.

RUSSIAN PREFERENTIAL DUTIES ON GOODS IMPORTED BY LAND FRONTIERS.

On many occasions Her Majesty's Government has protested against the Russian practice of applying a different tariff to produce entering by sea and produce entering by land, as contrary to the provision of the Treaty of 1859.

In 1880, Her Majesty's Ambassador at St. Petersburg was instructed to claim for British produce entering Russia the same treatment as that accorded to Persian goods, and on the receipt of a refusal he was further instructed, in order to prevent any possible misapprehension in the matter, to express to the Russian Government the formal dissent of Her Majesty's Government from the general principle that in this respect a distinction existed between land-borne and sea-borne imports.

The question was again raised in 1895, when the Russian Government offered to reduce the duty on Indian rice (which duty was much higher than that on rice brought into Russia from Persia across the land frontier), if the Indian duties on Russian petroleum were reduced also. The proposal was declined, but the Russian Government were informed that Her Majesty's Government considered that under Article II. of the Treaty of 1859, Indian produce was entitled in Russia to the treatment granted to the produce of the most favoured nation, and that Indian rice should therefore be admitted into Russia on payment of the same duty as that levied on the like commodity from Persia.

Her Majesty's Government protested in 1892 against the lower rates of duty imposed on China teas when imported into Russia across the Siberian frontier, but the matter was allowed to drop and the differential duty allowed to subsist.

Mr. Goschen on August 2nd, 1898, addressed a note to the Russian Government which contained the following passage: "The present position of British trade in Russia has lately occupied the serious attention of Her Majesty's Government, and the inquiries they have caused to be made on this subject have disclosed various instances in which British commerce is deprived by differential duties and charges, of the most-favoured-nation treatment secured to it by the Commercial Treaty concluded between Great Britain and Russia in 1859. The lower rate of duties imposed upon China teas when imported into Russia across the Siberian frontier, as compared with those levied upon India and China teas imported into the Empire by sea, are a case in point, and they appear to Her Majesty's Government to afford just cause for complaint as being entirely at variance with most-favoured-nation treatment."

Her Majesty's Government are aware that the Imperial Government have before now sought to establish that a distinction exists between sea-borne and land-borne imports, such as would justify the imposition of different tariff rates, but they are quite unable to accept this view and they desire again to record their formal dissent from such a principle.

The Russian Government in reply asserted that they had a right to differentiate these duties in consideration of the higher cost of land transport, and of other reasons of internal commercial policy, and that this differentiation could not be regarded as an infraction of the clause granting most-favoured-nation treatment, as the duties were imposed without distinction of the country of origin or nationality of the producer.

The Russian Government were again informed that Her Majesty's Government dissented from these views.

The time was not considered a favourable one for pressing the matter further, in view of the fact that Her Majesty's Government had not entertained the protest of the Russian Government against the Indian countervailing duties on sugar. Sir C. Scott, however, promised to bear the matter in mind.

In 1908, when Russia took off the surtax imposed upon India and Ceylon teas, and India remitted the countervailing duties on Russian sugar, an unofficial representation was made by the Embassy at St. Petersburg, with a view to inducing the Russian Government to abolish also the preference given in favour of teas imported into Russia over the Siberian frontier.

The reply of the Russian Government was:

"As regards the taxation of Ceylon and Indian teas imported via Siberia, the Ministry of Foreign Affairs has the honour to state that the teas in question are taxed on a general basis, in accordance with Article 20, paragraph 2, of the General Customs Tariff for European trade, and the Notes 1 and 2 of the Order published in the Bulletin of Laws, No. 113 (No. 1 Series), issued 5/18 August, 1908."

25th August, 1913.

R. C. DICKIE.

31593

No. 454.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 19 September, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th September,* regarding the proposed amendment of the Anglo-Russian Commercial Treaty of 1859.

2. In reply, I am to request you to inform Secretary Sir E. Grey that, as regards the trade concessions which are desired by the Russian Government, Mr. Harcourt has hitherto not done more than raise the question whether these should be granted without previous consultation with the Governments of the self-governing Dominions, and that he recognises that, if, as is stated by the Board of Trade in the letter of the 26th March last, a copy of which accompanied your letter of the 8th April,† these concessions do not affect the interests of the Dominions, and if, as appears from your letter under reply, they do not go beyond the existing practice, a case can be made out for dispensing with consultation with the self-governing Dominions on this point.

3. With regard, however, to the additional Article suggested by the Board of Trade, I am to invite attention to the third paragraph of the letter from this Office of the 17th April last,‡ from which it will be seen that, before the Article can be inserted in the Treaty, it will be necessary to consult the Dominion Governments. In Mr. Harcourt's opinion, however, the discussion has hardly yet reached the stage in which such consultation can usefully take place, and he would suggest that the most convenient procedure would be to wait until circumstances permit of a reply to the Russian proposals being prepared and then to communicate the reply in draft to the Governments of the self-governing Dominions for their concurrence.

I am, &c.,
H. W. JUST.

33052

No. 455.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23 September, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at Buenos Aires, No. 170, Commercial, dated August 6, respecting the draft Commercial Treaty with Argentina.

Reference to previous letter: Foreign Office, August 22,§
Foreign Office,
September 22, 1913.

(Similar letter sent to Board of Trade.)

* No. 453.

† No. 389.

‡ No. 394.

§ 29442: not printed.

Enclosure in No. 455.

(Commercial, No. 170.)

SIR,

Buenos Aires, August 6th, 1913.

WITH reference to my despatch of this series, No. 161, of the 27th ultimo, on the subject of the proposed new Commercial Treaty with the Argentine Republic, I have the honour to report that in conversation this morning with Dr. Bosch, the Argentine Minister for Foreign Affairs, [he] told me that he had been carefully through the draft submitted by me in my note of August 26th, 1912, as enclosed in your despatch, No. 46, Commercial, of July 26th, 1912.

His Excellency gave it as his opinion that the wording of the first few Articles were capable of being abridged. When the Treaty was concluded (1825) the Argentine Republic was in its early infancy, and precise stipulations had perforce to be inserted to safeguard British rights and interests. The conditions are to-day quite different, and he would suggest that general stipulations affirming the principle of the most-favoured nation could with advantage replace some of the unnecessarily tautological provisions of the draft now submitted.

I suggested that the most expeditious method would be for His Excellency to commit his observations to paper, and transmit to me a counter-draft for reference to His Majesty's Government.

I told him that I am leaving for Paraguay on the 9th till the end of the present month, and would be glad on my return to avail myself of his readiness, which he had already expressed to me, of entering into the details of the proposed draft.

I have, &c.,
REGINALD TOWER.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

33295

No. 456.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25 September, 1913.)

[Answered by L.F. transmitting a copy of No. 458.]

SIR,

Foreign Office, September 24, 1913.

WITH reference to the Foreign Office letter of June 14th last,* I am directed by Secretary Sir E. Grey to transmit to you, to be laid before Mr. Secretary Harcourt, a copy of a despatch from His Majesty's Minister at Panama reporting the signature, on the 18th ultimo, of the Protocol between the United Kingdom and Costa Rica modifying the Treaty of Commerce of November 27th, 1849, between the two countries. A printed copy of the instrument† as signed is enclosed herewith.

The Protocol will now be laid in the Treaty Series of Parliamentary Papers.

I am, &c.,
RALPH PAGET.

Enclosure in No. 456.

(No. 15. Treaty.)

SIR,

British Legation, Panama, August 19, 1913.

WITH reference to your despatch, No. 9, Commercial, of October 20th, I have the honour to transmit to you, herewith, the Protocol I signed on the 18th instant, with the Representative of Costa Rica, in Panama, which is identical with the Anglo-Colombian Protocol, to modify the Treaty of November 27th, 1849, and enable the self-governing Dominions to withdraw from it at their pleasure.

Your authority to sign this Protocol was conveyed to me in telegram No. 3, Commercial, of June 12th last.

I have, &c.,
C. MALLET.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

* No. 417.

† See [Cd. 7097], September, 1913.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29 September, 1913.)

[Answered by No. 474.]

Sir,

Foreign Office, September 27, 1913.

WITH reference to the letter from this Department of the 8th instant,* respecting the proposed amendment of the Anglo-Russian Commercial Treaty of 1859, I am directed by Secretary Sir E. Grey to transmit to you herewith the draft reference which it is proposed, subject to the concurrence of Mr. Secretary Harcourt, to address to the Law Officers of the Crown on the subject of the international status of vessels owned or registered in the self-governing Dominions.

I am, &c.,
EYRE A. CROWE.

Enclosure in No. 457.

DRAFT REFERENCE TO LAW OFFICERS

GENTLEMEN,

Foreign Office, September, 1913.

ON the 4th of April, 1911, you furnished Secretary Sir E. Grey with your opinion as to the position of British subjects who are inhabitants of a self-governing Dominion in the event of that Dominion withdrawing from or declining to adhere to a commercial treaty concluded by His Majesty's Government with a foreign Power. A copy of the letter addressed to you and of your report† are enclosed herewith for convenience of reference.

In your report you stated that, in your opinion, every individual who owes personal allegiance to the British Crown is a British subject, wherever he resides or whatever may be his domicile; that his international status as a British subject cannot be affected by the adhesion or non-adhesion to any treaty of the Dominion or dependency which he inhabits; and that all such persons are, therefore, entitled to the benefits accorded to British subjects, *eo nomine*, in any treaty or convention concluded by His Majesty, unless the particular treaty or convention indicates an intention that they or any class of them should be excluded from the benefits conferred by it upon British subjects at large.

I have now the honour, by direction of Sir E. Grey, to request that you will inform him whether you consider that this ruling respecting the international status of British Colonial subjects applies equally in the case of the status of British vessels owned by British Colonial subjects or registered in any of His Majesty's Overseas Dominions or dependencies.

In all the treaties of commerce and navigation at present in force between Great Britain and foreign countries various rights and privileges are granted, *eo nomine*, to British vessels; and similar provisions appear in Articles I., II., XI., XII., XIII., XIV., XV., and XVI. of the model treaty which has been drawn up to serve as a basis for all future commercial treaties which it may be desired to negotiate with foreign Powers.

It is to be noticed that the model treaty,‡ copy of which is herewith enclosed, contains an Article (XVI.) defining British vessels as "all vessels which according to British law are to be deemed British vessels." A like clause appears in several commercial treaties at present in force, and a somewhat similar one occurs in certain other treaties.

The Argentine Treaty of 1825, for instance, contains the following clause:—

ARTICLE VII.

National Vessels.

In order to avoid any misunderstanding with respect to the regulations which may respectively constitute a British Vessel, or a Vessel of the said

United Provinces, it is hereby agreed, that all Vessels built in the Dominions of His Britannick Majesty, and owned, navigated, and registered according to the Laws of Great Britain, shall be considered as British Vessels; and that all Vessels built in the territories of the said United Provinces, properly registered and owned by the Citizens thereof, or any of them, and whereof the Master and three-fourth of the Mariners, at least, are Citizens of the said United Provinces, shall be considered as Vessels of the said United Provinces.

Two Articles on the same subject appear likewise in the treaty of 1825 with Colombia, which at the time of conclusion of the treaty included Venezuela, which is still bound by the treaty.

The Articles run as follows:—

ARTICLE VII.

National Vessels.

In order to avoid any misunderstanding with respect to the regulations which may respectively constitute a British or a Colombian Vessel, it is hereby agreed that all Vessels built in the Dominions of His Britannick Majesty, and owned by British subjects, or by any of them, and whereof the Master and three-fourths of the mariners, at least, are British subjects, excepting where the laws provide for any extreme cases, shall be considered as British Vessels; and that all Vessels built in the Territories of Colombia, and owned by the Citizens thereof, or any of them, and whereof the Master and three-fourths of the mariners, at least, are Colombian Citizens, excepting where the laws provide for any extreme cases, shall be considered as Colombian Vessels.

ADDITIONAL ARTICLE.

National Vessels.

Whereas, in the present state of Colombian Shipping, it would not be possible for Colombia to take advantage of the reciprocity established by the Articles V., VI., and VII. of the Treaty signed this day, if that part should be carried into immediate effect which stipulates that in order to be considered as a Colombian ship, a ship shall actually have been built in Colombia, it is agreed that, for the space of seven years, to be reckoned from the date of the ratification of this Treaty, any ships wheresoever built, being *bona fide* the property of any of the citizens of Colombia, and whereof the master, and three-fourths of the mariners, at least, are also Colombian Citizens, excepting where the laws provide for any extreme cases, shall be considered as Colombian Ships:—His Majesty the King of the United Kingdom of Great Britain and Ireland reserving to himself the right, at the end of the said term of seven years, to claim the principle of reciprocal restriction stipulated for in the Article VII. above referred to, if the interests of British Navigation shall be found to be prejudiced by the present exception to that reciprocity, in favour of Colombian Shipping.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

On the other hand, other commercial treaties, such as that with Norway, a copy of which is enclosed, contain no definition of British vessels.

Sir E. Grey would now be glad if you would take into your consideration the status of British Colonial vessels in the case where a commercial treaty granting certain rights *eo nomine* to British vessels is not, or ceases to be, binding on all or any of His Majesty's Overseas Dominions. Sir E. Grey will be glad to learn whether in such a case His Majesty's Government would be entitled, on the analogy of British subjects similarly situated, to claim those rights on behalf of British vessels owned or registered in those Dominions, on the ground that even if the treaty contains no definition of the term "British vessel," nevertheless, that term necessarily includes British vessels owned and registered anywhere within the British Empire, including those portions of it not affected by the treaty, or specially excluded from its scope.

* No. 453. † No. 137 in Vol. VII. of Law Officers' Opinions. ‡ See Enclosure 4 in No. 269.

If, however, in your opinion, this view cannot be maintained on general grounds, I am to enquire whether Clause XVI. in the model treaty, and the somewhat similar clauses in the Argentine or Venezuelan Treaties, would justify His Majesty's Government, in those special cases, or in any one of them, in claiming that the provisions respecting British vessels (or, in the case of the Venezuelan Treaty, that class of British vessel specified in the treaty) should apply to vessels owned or registered in a Dominion which is not bound by the treaty, on the ground that such vessels conform to the definition laid down in the treaty.

Sir E. Grey will, at the same time, be glad to be furnished with any further observations which you may be good enough to offer on the subject generally.

33295

No. 458.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 9 October, 1913. L.F.]

(Canada. No. 752.)

(Union of South Africa. No. 417.)

(Australia. No. 555.)

(Newfoundland. No. 267.)

(New Zealand. No. 386.)

[SIR,]

[MY LORD,]

Downing Street, 3rd October, 1913.

WITH reference to the 2nd paragraph of my despatch, No. (453) (280) (194) (319) (133), of the 4th July, 1912,* I have the honour to transmit to [your Excellency] [you], for the information of your Ministers, the accompanying copies of a Protocol between the United Kingdom and Costa Rica respecting the application of the Treaty of Commerce of November 27th, 1849, to certain parts of His Britannic Majesty's dominions, signed at Panama on the 18th of August, 1913.

I have, &c.,

L. HARCOURT.

34005

No. 459.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copies to Foreign Office and Home Office, 3 October, 1913. L.F.]

(No. 421.)

MY LORD,

Downing Street, 4 October, 1913.

WITH reference to my despatch, No. 115, of the 10th of March, 1911,† I have the honour to request Your Excellency to inform your Ministers that my attention has been called to the fact that no legislation appears to have been passed by the Union Parliament in order to carry out the obligation imposed upon the Union by Articles 1 and 2 of the International Convention of September 26th, 1906, of prohibiting in the Union the importation, manufacture, and sale of matches containing white phosphorus. Under the terms of Article 5 of the Convention the obligation of the Convention will become binding in respect of the Union of South Africa with effect from the 3rd of May, 1914, and your Ministers will, no doubt, take into consideration the desirability of passing the necessary legislation before that date.

2. I shall be glad if you will explain to your Ministers that, in the opinion of the Secretary of State for Foreign Affairs, the necessity of taking steps for the prohibition in the Union of the manufacture, importation, and sale of matches containing white phosphorus exists, even though there should be no local use of white phosphorus in the manufacture of matches, and though matches made of white phosphorus should not be imported or on sale.

I have, &c.,

L. HARCOURT.

* No. 250.

† See [Cd. 7097] September, 1913.

‡ 7017: not printed.

34961

No. 460.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 11.1 a.m., 8th October, 1913.)

TELEGRAM.

[Copies to Foreign Office and Board of Trade, 14 October, 1913.]

[Answered by No. 462.]

(Paraphrase.)

With reference to your telegram of the 8th July.* My Ministers advise me that there are no matters of special interest to the Commonwealth which it is desirable to include in the proposed Commercial Treaty with Portugal, the position being as stated in previous correspondence. My Ministers, however, do not think that it is desirable that any treaty should be concluded the effect of which would be to exclude the importation into the United Kingdom of wines described as Australian port or madeira.—DENMAN.

35496

No. 461.

FOREIGN OFFICE TO COLONIAL OFFICE.

(Received 14 October, 1913.)

[Answered by No. 468.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith, for his observations, copy of a despatch from His Majesty's Ambassador at Tokio, No. 251, dated September 18, 1913, respecting the interpretation of the Anglo-Japanese Commercial Treaty of 1911.

Foreign Office,

October 13, 1913.

(Similar letter sent to Board of Trade.)

Enclosure in No. 461.

(No. 251.)

SIR,

British Embassy, Tokio, September 18th, 1913.

I HAVE the honour to forward herewith copy of a despatch, with its enclosures, which has been addressed to me by the Commercial Attaché, on a point dealing with the interpretation of the Anglo-Japanese Treaty of Commerce and Navigation of 1911, and the supplementary declarations made at the time of signature of the said Treaty.

Put briefly, the point is as follows:—

Mr. Sakata, Director of the Commercial Bureau in the Japanese Foreign Office, maintains that matters relating to patents, trade marks, &c., are altogether beyond the jurisdiction of our Treaty of Commerce and Navigation. His contention is based on the fact that this subject lies within the scope of the Industrial Property Convention, to which the United Kingdom and Japan are parties, and that there is no Article dealing with it in the Treaty of Commerce and Navigation between our two countries, while on the other hand an agreement was arrived at whereby it was decided that, in the event of either party leaving the International Convention, a special arrangement should be concluded.

Mr. Crowe, on the other hand, says there is nothing in the records of the Treaty negotiations to show that the United Kingdom lost its rights of claiming any privileges in connection with industrial property which might be accorded to any other country, nor does he consider it conceivable that the negotiators would have agreed to such an interpretation being put on the arrangement which was arrived

* No. 426.

at, and he draws particular attention to the fact that, if the Japanese contention were correct, a company registered in a Colony which had adhered to the Anglo-Japanese Treaty, but which was not a party to the International Convention, might be precluded from enjoying protection for its industrial property.

I have the honour to request that you will be so good as to instruct me as to the action which you wish taken.

I have, &c.,
CONYNGHAM GREENE.

The Right Honourable
Sir Edward Grey, Bart., K.G., M.P.,
&c., &c., &c.

Office of Commercial Attaché,
To His Britannic Majesty's Embassy,
c/o British Consulate-General, Yokohama,

September 11, 1913.

SIR,

I HAVE the honour to bring to Your Excellency's notice the following point which has, perhaps, more academic than practical interest, but which, none the less, should not be allowed to pass without notice, lest it should be quoted as a precedent.

On the 9th April last, in connection with the question of the right of British subjects born in the Colonies to register their trade marks in Japan, I wrote to Mr. Sakata, Director of the Commercial Bureau in the Foreign Office, a letter* copy of which is enclosed herewith. In that letter I referred to "British subjects born in Canada or India, or other parts of the British Empire which have not adhered to the 1911 Treaty of Commerce and Navigation."

In his reply of June 24th last,* copy of which is also enclosed, Mr. Sakata drew my attention to this phrase, and pointed out that I must have made a mistake, as the subject of trade marks was entirely regulated by the International Convention for the Protection of Industrial Property, and not by the Treaty.

To this I replied (in the terms of Enclosure 3 to this despatch*) that, although the Convention, of course, ruled these cases, we had also the right to claim protection under our most-favoured-nation clause, which entitled us to the protection accorded by the American-Japanese Treaty.

Mr. Sakata's answer to this, copy of which is also enclosed, is that we are precluded from claiming any protection under our Treaty of Commerce and Navigation, because both the United Kingdom and Japan are parties to the Industrial Property Convention, and it was agreed between the two Governments that no Article on this subject should be included in the Treaty, on condition that, if at any future date either party should withdraw from the Convention, a fresh agreement between them should be arrived at.

I find, after referring to the Treaty confidential print, that in the British draft Treaty there was an Article 24, under which the same treatment as that given to native subjects was asked for in respect of patents, trade marks, &c. The Japanese negotiator's reply was "Unnecessary. But if in future it is found unsatisfactory without some arrangement, the matter may be dealt with in a separate agreement."

Subsequently, the Japanese view was accepted, this draft Article was dropped, and at the time of signing the Treaty a declaration was made to the effect that "in the event of either Government wishing to withdraw from the International Convention for the Protection of Industrial Property, they should conclude an arrangement with the other Government for the mutual protection of their subjects in regard to matters covered by the above-mentioned Convention."

There is nothing to show that the United Kingdom lost its rights of claiming any privileges in connection with trade marks, &c., which might be accorded to any other country, nor is it conceivable that the negotiators would have agreed to such an interpretation being put on the arrangement which was arrived at.

There is, moreover, another point to be borne in mind. That is that several parts of the British Empire have not adhered to the International Industrial Property Convention. If, therefore, the Japanese ruling were correct, and the Japanese should declare that companies registered in such Colonies had no right to protection in Japan for their trade marks, &c., we should be liable to find that, although a Colony

* See No. 443.

had adhered to the Anglo-Japanese Treaty of Commerce and Navigation, companies registered in that Colony would not be able to obtain protection for their trade marks.

It seems to me, therefore, that a protest should be lodged against Mr. Sakata's view, and I have the honour to request Your Excellency's instructions on the point.

I have, &c.,
E. F. CROWE.

His Excellency
the Right Honourable
Sir W. Conyngham Greene, K.C.B.,
&c., &c., &c.

(Translation.)

July 21, 1913.

SIR,

WITH reference to the Note I addressed you on April 25th last, to make sure that there was no mistake about your allusion, in your letter of April 9, to the Anglo-Japanese Treaty of Commerce and Navigation concluded in 1911, I now have the honour to acknowledge receipt of your communication of the 25th ultimo, in which you maintain that, if most-favoured-nation treatment is to be upheld in respect of trade marks and patents, you have a perfect right to cite the Japan-American Treaty of Commerce and Navigation of 1911, even in connection with a matter to which the International Agreement for the Protection of Industrial Property Rights applies.

In reply, I have the honour to point out that our countries are both participants in the International Agreement for the Protection of Industrial Property Rights, within the scope of which all matters relating to industrial property rights must therefore come; furthermore, all mention of the subject was omitted from the Treaty of Commerce and Navigation concluded between our two countries because it seemed unnecessary to include it, and it was agreed between our two Governments (as recorded in the minutes of a meeting held in the course of Treaty deliberations at the British Foreign Office on March 3rd, 1911) that a Convention should be concluded later for the mutual protection of the subjects of our respective nations on the lines of the International Agreement for the Protection of Industrial Property Rights if either Contracting Party should at any time desire to withdraw from this latter Agreement. For these reasons, I am of opinion that all matters relating to industrial property rights are altogether beyond the jurisdiction of the Treaty of Commerce and Navigation.

I have, &c.,
SAKATA JUJIRO,
Director of Commercial Bureau,
Foreign Office.

E. F. Crowe, Esq.,
His Britannic Majesty's
Commercial Attaché.

34961

No. 462.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 16th October, 1913.)

TELEGRAM.

[Copies to Foreign Office and Board of Trade, 17 October, 1913. L.F.]

(Paraphrase.)

Your telegram 8th October.* Please inform Ministers that His Majesty's Government have already found it necessary to offer to Portuguese Government introduction of legislation for prohibition of importation or sale of port or madeira (other

* No. 460.

than Portuguese) under these descriptions, however qualified. This proposal was made after fullest consideration of the whole question as it was found to be only basis on which Portuguese Government would consent to give most-favoured-nation treatment. As a consequence of recent commercial treaties many descriptions of British manufactures are now dutiable in Portugal at higher rates than those from Germany, France and United States of America, and a most-favoured-nation clause is therefore of vital and urgent importance to considerable classes of British manufactures. On the other hand enquiry indicated that sale of Australian madeira and port was quite inconsiderable and interests of Australian wine shippers would not be materially affected by proposal in question. Matter was discussed with High Commissioner and he will be able to explain to your Ministers position of His Majesty's Government.—HARCOURT.

36197

No. 463.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 20 October, 1913.)

[Copy to Foreign Office, 3 November, 1913. L.F.]

[Answered by No. 466.]

SIR, 7, Whitehall Gardens, London, S.W., 18 October, 1913.

WITH reference to previous correspondence on the subject of two draft International Conventions for the unification of maritime law with regard to limitation of shipowners' liability and maritime mortgages and liens, I am directed by the Board of Trade to state, for the information of Mr. Secretary Harcourt, that a Sous-Commission of the International Conference which has these draft Conventions under consideration met at Brussels in March-April last.

As a result of the proceedings of the Sous-Commission, the text of the Conventions has been further revised, and will come up for consideration at another International Conference, which will probably meet next year.

The Board desire me to forward copies of the draft Conventions* and of an English translation* and of a memorandum,* which has been circulated to the various interests in this country concerned in the Conventions, calling their attention to the principal alterations made by the Sous-Commission.

I am to suggest, for Mr. Harcourt's consideration, that copies of the revised drafts of the Conventions should be transmitted to the Governments of the self-governing Dominions and Newfoundland, with a view to ascertaining, at as early a date as possible, whether they concur in the provisions of the draft Conventions or whether they desire to suggest any alterations.

I am, further, to call your attention to Article 19 of the Limitation of Shipowners' Liability Convention, and Article 18 of the Maritime Mortgages and Liens Convention, which deal with the application of the Conventions to Colonies, Possessions, or Protectorates of Contracting States. These articles were provisionally inserted at the strongly expressed desire of the German delegates, and the Board will be glad if you will move Mr. Harcourt to be so good as to inform them whether he sees any objection to them.

I have, &c.,

ERNEST G. MOGGRIDGE.

36506

No. 464.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 22 October, 1913.)

[Answered by No. 467.]

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith a copy of a despatch and an extract from a despatch

* Not reprinted.

from His Majesty's Minister at Buenos Aires respecting the Anglo-Argentine Commercial Treaty. The Board of Trade have been asked to furnish their observations upon the subject.

Reference to previous letter: Foreign Office, September 22.*

Foreign Office.

October 21, 1913.

Enclosure 1 in No. 464.

(Commercial. No. 206.)

Buenos Aires, September 10th, 1913.

SIR, I HAVE the honour to transmit herewith translation of a note I have received from the Argentine Minister for Foreign Affairs, enclosing a counterdraft Commercial Treaty,† which they prefer to the draft sent in your despatch, No. 46, Commercial, of July 26th, 1912.

I enclose likewise translation of the counterdraft, and shall await your instructions before replying to Dr. Bosch's communication.

I have, &c.,

REGINALD TOWER.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.

&c., &c., &c.

(Translation.)

Ministry for Foreign Affairs and Public Worship,

Buenos Aires, September 8th, 1913.

MONSIEUR LE MINISTRE,

IN due course I had the honour to receive your note, dated the 26th of August of last year, on the subject of the negotiations initiated by His Britannic Majesty's Government for concluding a new Treaty of Commerce to replace that signed in 1825 with this Republic.

You enclosed a draft in your note, and enquired if this Government would be disposed to sign a Treaty of Commerce on the same lines.

In reply, I am happy to transmit to you the enclosed counterdraft drawn up on the same fundamental lines as those of the draft you sent, and which, in my opinion, without departing from the terms of the latter, agrees in a more synthetic form with the rules of modern international law upon this subject.

Whilst requesting you to bring it to the knowledge of your Government, I have permitted myself to state the considerations which have inspired this Government in formulating the said counterdraft, and I am in hopes that they will be accepted by His Britannic Majesty's Government.

The convenience will certainly not escape your notice of concluding a treaty of a few articles which embody all the general principles which govern commerce and navigation, the more so when a formula is proposed which briefly comprises all the cases which in detail are foreseen in the draft proposed by you.

As for example, the rights safeguarded in the first eight articles of your draft, which refer to personal rights, are comprised in the first article of my counterdraft. The same can be said of the other provisions, which are incorporated in general, but no less definite, principles of the counterdraft.

The cases foreseen by articles 10, 15, and 20 of your draft are the same as those in accordance with the internal laws of the Republic, and, by virtue of the provisions of article 1 of the counterdraft, their application is extended to His Britannic Majesty's subjects.

Article 12 of your draft has been replaced by article 4 of the counterdraft, in a form which is not opposed to the coastwise trade law and regulations in force in the Republic.

Articles 17 and 18, which refer to Consuls, are comprised in article 5 of the counterdraft, the facilities and privileges which they shall enjoy being subject to the principle of reciprocity, which is more in accordance with the doctrine on the matter which your Government have always maintained.

* No. 455.

† Translation only received.

As regards article 21 of your draft, this Government cannot accept it. This article excludes from the stipulations of the treaty, His Britannic Majesty's autonomous Dominions and other Possessions or Protectorates, nevertheless permitting such Dominions, Possessions, or Protectorates to enjoy its benefits, which grant to the merchandize, produce, or manufacture of the Republic the same favourable treatment as that which is accorded to the produce or manufacture of any other foreign country; this would leave exclusively to one of the parties the right of availing themselves of such privilege.

As you will observe, the only new principle which is incorporated in the counter-draft is that provided by article 3, which refers to frontier commerce. This Government, as a consequence of their commercial policy, exclude traffic with neighbouring nations from their Commercial Treaties, a fact which cannot prejudice British interests as it is a trade just commencing between two non-manufacturing nations.

Having thus specified the views held by this Government when formulating the counterdraft which I am submitting to the consideration of your Government, and at the same time referring to my note of the 22nd of March last, I am happy to avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

ERNESTO BOSCH.

His Excellency

Sir Reginald Tower, K.C.M.G., C.V.O.,
British Legation, Buenos Aires.

(Translation.)

COUNTER DRAFT OF TREATY OF COMMERCE AND NAVIGATION BETWEEN THE ARGENTINE
REPUBLIC AND GREAT BRITAIN.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British dominions beyond the Seas, Emperor of India, &c., having manifested the desire of denouncing the Treaty of Friendship, Commerce and Navigation of the 2nd of February, 1825, negotiated with the Argentine Republic; and His Excellency the President of the Nation, having, in view of the reasons on which it has been based and which have been invoked, accepted the said denunciation, they have decided to conclude a new Treaty of Commerce and Navigation for the same purpose, and have appointed as their plenipotentiaries, that is to say

who, after having communicated their respective full powers, found in good and due form, have agreed upon the following articles:—

Article 1st.

There shall be in the territories of the high contracting parties reciprocal liberty of commerce and navigation, and their subjects or citizens shall enjoy all the liberties and favours which the nationals in either State enjoy, being exempted from public charges, excepting those which appertain to them as owners or occupiers of real estate.

Article 2nd.

The high contracting parties reciprocally guarantee to one another the most-favoured-nation treatment for everything connected with matters of commerce and navigation. Consequently Argentine citizens and produce in the United Kingdom and British subjects and produce in the Argentine Republic shall enjoy every favour, privilege, or immunity which in Argentina or in the United Kingdom may be granted to subjects, citizens, or produce of another nation; gratuitously if the concession in favour of the other nation be gratuitous, and with the same compensation if the concession be conditional.

Article 3rd.

The guarantee of most-favoured-nation treatment stipulated for in article 1st shall not preclude any special advantages which the Argentine Republic may concede to the adjoining countries in customs matters; it being understood that the benefit of these advantages shall immediately be extended to the United Kingdom if they are conferred on a non-adjoining country.

Article 4th.

Coastwise trade and navigation, which will be governed in accordance with the laws of the Argentine Republic and the United Kingdom, respectively, shall be excepted from the provisions of this Treaty.

Article 5th.

Each of the high contracting parties shall be empowered to appoint Consuls-General, Consuls, Vice-Consuls and Consular Agents to reside in the towns and ports of the other State, who shall only enter upon their functions after they have been approved and admitted in the usual form by the Government to which they are sent, and they shall enjoy the privileges and favours which are granted on the principle of reciprocity between the two contracting parties.

Article 6th.

In the event of difficulties of interpretation and application of the present Treaty arising between the contracting countries, and if such disagreements cannot be decided through the diplomatic channel, they shall be submitted to the arbitration of the Permanent Court of the Hague.

Article 7th.

The present Treaty shall be ratified in accordance with the constitutional principles of each country, and the ratifications shall be exchanged in Buenos Aires. It shall be binding on the high contracting parties until it is denounced, which can be done at any time with twelve months' notice.

Enclosure 2 in No. 464.

EXTRACT FROM SIR R. TOWER'S DESPATCH, No 207, COMMERCIAL, DATED SEPTEMBER
10TH, 1913.

2. With regard to the 3rd article of the Argentine counterdraft, which excepts Argentine frontier commerce from the provisions of the Treaty, it appears to me that this clause may possibly at some future date affect the trade of some of the British Colonies with this Republic, not to say that of the United Kingdom itself to a small extent. Brazil and Paraguay can produce fruit, sugar, coffee, tobacco, and rubber, all of which might presumably be imported into the Republic under a tariff detrimental to such produce coming from other countries. Eggs, moreover, are imported from Uruguay and from Ireland at certain seasons, whilst fish, fowls, game, &c., are imported in a frozen state from abroad.

36765

No. 465.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25 October, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of correspondence with His Majesty's Minister at Christiania respecting the exemption of British and Norwegian subjects from military service.

Reference to previous letter: Colonial Office, July 1 (20963/1913).*

Foreign Office,

October 24, 1913.

(Similar letter sent to Home Office.)

Enclosure 1 in No. 465.

(No. 9. Treaty.)

SIR,

Foreign Office, September 8th, 1913.

I duly received your despatch, No. 7, Treaty, of April 29th last, on the subject of the proposed Agreement between this country and Norway for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom respectively.

I have to inform you that, on further consideration of the question, difficulties have arisen owing to the fact that the expression "British subjects" used in the draft Agreement applies to persons born not only in the United Kingdom, but throughout His Majesty's dominions, and that consequently all such persons would be entitled to claim the benefits of the Agreement when within Norway: on the other hand Norwegian subjects are, by the terms of the Instrument, entitled to its benefits in the United Kingdom alone. It is improbable that the Norwegian Government, if the facts were represented to them, would consent to an arrangement of this nature. It is not easy, however, to provide any satisfactory formula which would admit of the Agreement being drawn on lines of exact reciprocity.

As you are aware, the proposal originally arose in connexion with the case of the children of Mr. A. Mitchell, as reported in your despatch, No. 7, Treaty, of May 27th, 1912. It is gathered, however, that such cases are not of frequent occurrence, and, if so, it is a question whether any real necessity exists for the conclusion of a formal Agreement on the subject between the two countries, more especially in view of the difficulty which would be experienced in framing it on an entirely reciprocal basis.

Before taking any further steps, therefore, I should be glad to learn your opinion on the point, since unless cases of the nature referred to may be expected to arise with some frequency there would not seem to be any advantage in pursuing the matter.

M. de C. Findlay, Esq., C.B., C.M.G.,
&c., &c., &c.

I am, &c.,

E. GREY.

Enclosure 2 in No. 465.

(No. 14. Treaty.)

SIR,

Christiania, September 16th, 1913.

I HAVE had the honour to receive your despatch, No. 9, Treaty, of the 8th instant, in which you were so good as to inform me of the difficulties which have arisen owing to the fact that the expression "British subjects," used in the draft Agreement between Great Britain and Norway for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom respectively, applies to persons born not only in the United Kingdom, but throughout His Majesty's Dominions. You point out that all such persons would be entitled to claim the benefits of the Agreement when within Norway, while Norwegians would be entitled to its benefits in the United Kingdom alone; that it is improbable that the Norwegian Government would consent to an arrangement of this nature, and that it is not easy to provide any satisfactory formula which would admit of the Agreement being drawn on lines of exact reciprocity. In conclusion you request my opinion as to whether any real necessity exists for the conclusion of an Agreement . . . since unless cases of the nature referred to may be expected to arise with some frequency there would not seem to be any advantage in pursuing the matter.

As far as I am aware there have been only two cases in recent years: that of John Hyde in 1897 and that of Alexander Mitchell, whose case originally gave rise to the present proposal.

Alexander Mitchell's father has several younger sons in respect of whom, if they continue to reside in Norway, the same question may recur. There are at present very few British families permanently resident in Norway. I would venture to point out, however, that with the industrial development due to the employment of water power, in which British firms are taking an increasing interest, it is not improbable that the number of British subjects resident in Norway may shortly increase.

I concur in your opinion that the Norwegian Government would not be likely to conclude an agreement under which Norwegians would only benefit in the United Kingdom, there being at present no compulsory service in the United Kingdom. If any form of compulsory service were ever introduced in the United Kingdom it would, however, be in the interests of Norway to conclude such an agreement.

The question appears to me to be whether British subjects as such have an inherent right, irrespective of their numbers in a given country, to be protected by His Majesty's Government from being forced to do military service in that country. If they have, I can only suggest that the proposed Agreement might be accepted by the self-governing Colonies and Dominions. If they have not the right to be protected I cannot say that cases are likely, for the present, to occur with such frequency as to render an Agreement really necessary.

I have, &c.,

M. DE C. FINDLAY.

The Right Honourable

Sir E. Grey Bart., K.G., M.P.,

&c., &c., &c.

Enclosure 3 in No. 465.

(No. 11. Treaty.)

SIR,

Foreign Office, October 23rd, 1913.

I RECEIVED your despatch, No. 14, Treaty, of the 16th ultimo, respecting the question of an Agreement between this country and Norway for the reciprocal exemption of British and Norwegian subjects from military service in Norway and the United Kingdom respectively.

In the circumstances His Majesty's Government are of opinion that no advantage would result from pursuing the matter further at the present time.

I am, &c.,

E. GREY.

M. de C. Findlay, Esq., C.B., C.M.G.,
&c., &c., &c.

36197

No. 466.

COLONIAL OFFICE to BOARD OF TRADE.

[Copy to Foreign Office, 3 November, 1913. L.F.]

[Answered by No. 470.]

SIR,

Downing Street, 31 October, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of October,* on the subject of the draft International Conventions for the unification of maritime law with regard to limitation of shipowners' liability and maritime mortgages and liens.

2. Mr. Harcourt will be glad to forward to the Governments of the self-governing Dominions copies of the papers which are enclosed in your letter, but before doing so, he would observe that, as the texts of the Conventions are apparently to be considered again at another international Conference to meet next year, it appears to him most desirable that the Governments of the self-governing Dominions should be invited to be represented at this International Conference. It is now the rule, rather than the exception, to invite the self-governing Dominions to participate in International Conferences, and, in pursuance of this practice, certain of them were given the opportunity of sending representatives to the International Conference on Safety of Life at Sea. It will be remembered that in the case of the Conference on Safety of Life at Sea the Union of South Africa and Newfoundland were not invited, because of the small amount of their registered shipping. In the present case no such consideration would be applicable, and, as the Board of Trade

* No. 463.

are aware, the questions dealt with by the draft Conventions are of considerable interest to the Union of South Africa. Mr. Harcourt considers, therefore, that an invitation should certainly be sent to the Government of the Union, as well as to the Governments of Canada, Australia, and New Zealand. Newfoundland is perhaps not very closely concerned, but Mr. Harcourt would suggest that an opportunity should be given to the Government of that Colony also to be represented.

3. The separate representation of the self-governing Dominions at the proposed Conference will have the advantage of facilitating their acceptance of the Conventions, and should thus tend to bring about the uniformity which, Mr. Harcourt understands, the Board of Trade regard it as important to secure, and this argument could doubtless be used if any foreign Power should take exception to the Dominions being invited to take part in the Conference.

4. Mr. Harcourt will call the special attention of the Dominion Governments to the "Colonial Clauses" which have been inserted in the draft Conventions. The only observation which he has at present to offer on their terms is that it would in any case be desirable to secure the same right of separate accession and denunciation in respect of all parts of the Empire as was secured in the case of the International Conventions respecting Collisions and Assistance and Salvage at Sea.

5. There are certain Colonies possessing representative though not responsible government in which it is impossible to guarantee that the legislation necessary to carry out these Conventions will be passed.

I am, &c.,
H. W. JUST.

36506

No. 467.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 4 November, 1913. L.F.]

[Answered by No. 469.]

SIR,

Downing Street, 31 October, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st of October,* on the subject of the proposed Commercial Treaty with the Argentine Republic.

2. In reply, I am to request you to inform Secretary Sir E. Grey that the draft Treaty put forward by the Argentine Government appears to be open to great objection, especially as regards Article 1, which it would, of course, be impossible to accept as binding the self-governing Dominions, but, before commenting in detail on the terms of the draft, Mr. Harcourt would be glad to hear what observations the Board of Trade make upon it.

3. I am to add that a copy of this letter has been sent to the Board of Trade.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

35496

No. 468.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 5 November, 1913. L.F.]

[Answered by No. 479.]

SIR,

Downing Street, 5 November, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th October,† enclosing copy of a despatch from His Majesty's Ambassador at Tokio, from which it appears that the Japanese Government hold that matters relating to patents, trade marks, &c., are outside the scope of the Anglo-Japanese Treaty of the 3rd April, 1911.

* No. 464.

† No. 461.

2. The Japanese Government base their contention on two grounds. The first of these is that the two countries are both parties to the International Conventions for the Protection of Industrial Property, and that all matters relating to industrial property must, therefore, be dealt with in accordance with the provisions of those instruments. The second is that the subject was excluded by express agreement of the negotiations from the scope of the Treaty.

3. As regards the first argument, Mr. Harcourt presumes that the more correct view is that, in the absence of a definite understanding that patents, trade marks, &c., are to be considered as coming within the scope of the Anglo-Japanese Treaty, such matters fall within the scope of the general provisions of the Treaty respecting commerce and industry. This view is, at any rate, supported by the terms of paragraph 2 of the preamble to the Industrial Property Convention of 1883:—*Egalement animés du désir d'assurer, d'un commun accord, une complète et efficace protection à l'industrie et au commerce de leurs Etats respectifs, &c.*

4. As regards the second argument, Mr. Harcourt's attention has now been drawn to Appendix I. to the Treaty, which is printed with the text of the Treaty on pages 10-11 of [Cd. 5556], but not in Treaty Series, No. 15, of 1911, nor in the recently issued volume of Commercial Treaties. As that Appendix contains the only information bearing on the point which is accessible to this Department, Mr. Harcourt will be glad to learn whether the contention of the Japanese Government in this respect is supported by the records of the negotiations or by the recollection of the British negotiators.

5. A copy of this letter has been sent to the Board of Trade.

I am, &c.,
H. W. JUST

39877

No. 469.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 18 November, 1913.)

[Answered by No. 482.]

SIR,

Foreign Office, November 17, 1913.

WITH reference to your letter, 36506, of the 31st ultimo,* respecting the proposed new Anglo-Argentine Commercial Treaty, I am directed by Secretary Sir E. Grey to transmit to you, herewith, copy of a letter from the Board of Trade, and also of a draft despatch which it is proposed, subject to the concurrence of Mr. Secretary Harcourt, to address to His Majesty's Minister at Buenos Ayres, on the subject of the draft Treaty recently submitted by the Argentine Government.

With regard to the reference, in paragraph 2 of the Board of Trade's letter, to Papua and Norfolk Island, I am to say that, as Article 21 of the model draft treaty applies not only to "Dominions," but also to "Colonies, Possessions, and Protectorates," it does not appear necessary to make special provision for these two Colonies.

I am, &c.,
A. LAW.

Enclosure 1 in No. 469.

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 4th November, 1913.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of October 21st, transmitting copies of despatches from His Majesty's Minister at Buenos Ayres, with enclosures, relative to the proposed negotiation of a new commercial treaty between this country and the Argentine Republic to replace that at present in force.

Sir E. Grey will recollect that the suggestion for the negotiation of a new treaty emanated from the Argentine Government, and was put forward as an alternative to His Majesty's Government's suggestion for the negotiation of a simple declaration according to His Majesty's Dominions the right to withdraw from the existing treaty.

* No. 467.

The preamble to the Argentine counter-draft, which professes to recite the circumstances in which it has been thought desirable to conclude a new treaty, appears, therefore, to the Board to mis-state the facts. Moreover, the counter-draft is drawn so as to cover "the territories of the High Contracting Parties," and, as it contains no provision for either the separate adhesion or withdrawal of the Dominions, it fails to realise the main object which His Majesty's Government had in view in making their first proposals. The Board recognise that there is some ground for the objections expressed by the Argentine Government to Article 21 of the model draft in its present form, objections similar to those which have been expressed in other cases, but it appears to them that these objections would be met by the omission of the second paragraph of the Article. Before putting forward this suggestion, however, Sir E. Grey may desire to consult the Colonial Office, especially having regard to the desirability of making some provision for the special status of Papua and Norfolk Island.

The Board have carefully considered the Argentine counter-draft, and regret that they cannot regard it as satisfactory. It appears to them that in an effort to condense the provisions of the model draft—for they observe that no special objections appear to be entertained to the greater part of its provisions—the Argentine Government have neglected to provide those guarantees in respect of commerce and navigation which His Majesty's Government desire to see established, and which they are on their side prepared to concede. The assurance, for instance, given by the Argentine Government that the rights foreseen by Articles 10, 15, and 20 of the draft would, in view of the existing laws of the Republic, necessarily be automatically extended to Great Britain by virtue of general provisions for national treatment can only hold good so long as those laws are maintained, and if it is intended to maintain them there would not seem to be any objection to a definite treaty engagement on the subject being entered into.

The counter-draft also appears to be defective in making no provision for the treatment to be accorded to British vessels, and to be inadequate in providing only for most-favoured-nation treatment in respect of navigation, whereas, as Sir E. Grey is aware, the model draft, like the existing Anglo-Argentine Treaty, guarantees national treatment to British shipping in certain important matters. The counter-draft also contains the conditional form of most-favoured-nation clause, a form which, as the Argentine Government must be aware, is not deemed satisfactory by most European Governments.

For these and other reasons, into which the Board do not feel it necessary to enter in detail at present, they are strongly of opinion that the Argentine Government should be invited again to consider the draft which has already been submitted to them, and to accept this draft as a basis for the negotiation of a new treaty.

The Board observe that the only point (apart from the Colonial Article, which has already been referred to) on which the Argentine Government have expressly suggested any substantial modification in the provisions of the draft submitted to them is that some provision should be made for special facilities for commerce with adjoining countries. As regards this, I am to suggest that they might be informed that His Majesty's Government would be prepared to meet their wishes so far as to agree to the inclusion in the treaty of an Article on the lines of Article III. of the Argentine counter-draft, provided that the special Customs treatment to be accorded to the products of adjoining countries be limited to the natural products (as distinct from the manufactures) of those countries.

With regard to the two points referred to in Sir R. Tower's despatches, Nos. 207 and 210, Commercial, viz., the absence from the model draft of the special provisions contained in the existing Treaty relative to British cemeteries and the appointment of curators for the estates of deceased British subjects, the Board venture to suggest, for Sir E. Grey's consideration, that these matters should be dealt with either by Articles inserted in the draft treaty or by special agreements, which could be negotiated concurrently with that treaty.

I have, &c.,

GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

DRAFT DESPATCH to Sir R. TOWER.

SIR,

Foreign Office, November 1913.

I HAVE had under consideration your Commercial despatches, Nos. 206, 207, and 210, of September 10th and 11th, respectively, respecting the proposal to conclude a new Anglo-Argentine Commercial Treaty.

I now transmit to you a copy of a letter from the Board of Trade dealing with the draft treaty recently submitted by the Argentine Government, and I request that you will explain that for the reasons given in Section 1 (5) of that letter His Majesty's Government are unable to accept the Argentine draft as a basis for the negotiation of a new treaty. You should accordingly invite them to reconsider the draft which you originally submitted to them.

In order to meet the views of the Argentine Government, His Majesty's Government would be prepared to amend Article 21 of the British draft by omitting the second paragraph of that Article, which provides for the extension in certain circumstances of most-favoured-nation treatment to self-governing Dominions not parties to the Treaty. Likewise His Majesty's Government are ready to incorporate in the new Treaty an Article providing for special facilities for commerce with adjoining countries, on the lines of Article III. of the Argentine draft, provided that the special Customs treatment to be accorded to the products of the adjoining countries be limited to the natural products (as distinct from the manufactures) of these countries.

In return for these concessions, however, His Majesty's Government would require the insertion in the new treaty of special Articles continuing the right at present enjoyed by His Majesty's Government under the existing Treaty in respect of the appointment of curators by British Consular Officers to administer the estates of deceased British subjects, and in respect of the maintenance of separate British cemeteries in Argentina. Should the Argentine Government prefer that these rights should not be specifically mentioned in the treaty itself, you should suggest that they should form the subject of a special agreement to be concluded concurrently with the treaty.

I have, &c.,

39694

No. 470.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 18 November, 1913.)

[Answered by L.F. transmitting copies of 476 and 484.]

Board of Trade (Marine Department), 7, Whitehall Gardens,

SIR,

London, S.W., 17th November, 1913.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 31st October (36197/13),* suggesting that the Governments of the self-governing Dominions should be invited to send representatives to the next International Conference on the unification of maritime law with regard to the limitation of ship-owners' liability and maritime mortgages and liens.

In reply, I am to state, for Mr. Secretary Harcourt's information, that invitations to attend this Conference are not issued by His Majesty's Government, and that it is accordingly impossible for His Majesty's Government to invite the Governments of the self-governing Dominions to be represented.

The Board do not think it necessary that the question of separate representation should be mentioned in the despatch communicating the draft Conventions and memorandum to the self-governing Dominions. Should Mr. Harcourt, however, think, otherwise, I am to suggest, for his consideration, that this mention should be confined to a statement that if the Government of a self-governing Dominion should desire to be invited to send a representative to the International Conference which will probably meet next year His Majesty's Government would communicate their desire to the Belgian Government which convenes the Conference.

I have, &c.,

ERNEST G. MOGGRIDGE.

* No. 466.

38318

No. 470A.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

SIR, Downing Street, 18 November, 1913.
I AM directed by Mr. Secretary Harcourt to request you to inform [Secretary Sir E. Grey] [the Board of Trade] that he has had under his consideration the question of the "Colonial Article" to be inserted in any Convention negotiated by the International Conference on Safety of Life at Sea.

2. In the letter from the Foreign Office to the Board of Trade of the 18th ultimo* it is suggested that the Convention should contain an Article enabling the self-governing Dominions not represented at the Conference to accede to the Convention and to withdraw from it.

3. So far as "withdrawal" is concerned, the Dominions represented at the Conference should, of course, stand on the same footing as those not represented.

4. As regards the proposal that the right of accession should be confined to the Dominions not represented at the Conference, I am to point out that under this arrangement the only means of giving effect to the acceptance of the Convention by the Dominions represented at the Conference will be their inclusion in His Majesty's ratification. No guarantee can, however, be given that these Dominions will be in a position to accept the Convention by the time when His Majesty's Government would wish to advise His Majesty to ratify it, and if it should be decided that the deposit of His Majesty's ratification cannot be postponed until all the Dominions represented at the Conference have accepted the Convention, it will be necessary to deal with the case of any outstanding Dominion by the deposit of a special and separate ratification. Mr. Harcourt would prefer that there should be only one ratification of the Convention, and he would, therefore, suggest that the right of accession should extend to all Dominions not covered by His Majesty's ratification, irrespectively of their representation at the Conference.

5. Mr. Harcourt assumes that it is not intended that any provisions affecting British vessels which may be included in the Convention should extend to British vessels registered in a self-governing Dominion, unless the Dominion accepts the Convention. The form of "Colonial Article" usually inserted in commercial treaties deals with British possessions as mere geographical units, and will, therefore, require, for present purposes, to be modified by placing British ships registered in the Dominions on the same footing in regard to the application or non-application of the Convention as the Dominions themselves.

6. Mr. Harcourt attaches importance to the maintenance, as far as possible, of the principle that there is only one British registry. This principle will to some extent be safeguarded by the use of the expression "British ships," but it would appear, in any case, to be better to distinguish expressly British ships registered in the Dominions from other British ships than to have to contend that the non-application of the Convention to the Dominions *ipso facto* exempts British ships registered in the Dominions from the obligations imposed by the Convention on British ships generally. Whether such a contention would be accepted by foreign Governments Mr. Harcourt is not in a position to judge, but it could hardly be put forward unless His Majesty's Government are prepared to admit that the Russian Government are correct (a point on which it is proposed to consult the Law Officers of the Crown) in holding that if the Anglo-Russian Treaty of 1859 should cease to apply to a self-governing Dominion, the "vessels of the said Dominion" will cease to be entitled to the benefits conferred by that treaty on British vessels generally.

7. In these circumstances, Mr. Harcourt would suggest that on the present occasion the Colonial Article should be so drawn as to produce the following result:—

(a) The stipulations of the Convention will not be applicable to any of the following British possessions: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Colony of Newfoundland, the Territory of Papua and Norfolk Island, nor to any British ships registered in any of the above-mentioned British possessions, unless the Convention has been applied to such British possession either by express mention in His Britannic Majesty's ratification, or by notification of the desire of the Government of His Britannic Majesty to accede to the Convention in respect of such British possession; and

* See No. 463.

(b) The Government of His Britannic Majesty will be entitled to denounce the Convention separately in respect of any of the above-mentioned British possessions to which the Convention has been applied as aforesaid, and on the denunciation taking effect the stipulations of the Convention will cease to be applicable both to the British possession in respect of which the Convention has been denounced and to British ships registered therein.

On learning that [Sir E. Grey concurs] [the Board of Trade concurs] in the foregoing paragraph, Mr. Harcourt will communicate with the representatives of Canada, Australia, and New Zealand accordingly, and request them to ascertain whether the proposed arrangement meets with the approval of their respective Governments. The question when the proposed right of separate denunciation in respect of the Dominions should begin to operate may conveniently, in Mr. Harcourt's opinion, be left to the Dominion representatives.

9. A similar letter has been addressed to [the Board of Trade] [the Foreign Office].

I am, &c.,
H. W. JUST.

40109

No. 471.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21 November, 1913.)

(Confidential)

SIR, Government House, Ottawa, 12th November, 1913.

WITH reference to your Confidential despatch of the 26th May last,* regarding the proposed Treaty between Great Britain and Switzerland, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada stating that my Government concurs in the conclusion by His Majesty's Government of a Treaty with the Swiss Federation in the terms of the draft protocol submitted in the Swiss Minister's note to Sir Edward Grey of the 25th April, 1913.

I have, &c.,
ARTHUR.

Enclosure in No. 471.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL, ON THE 7TH NOVEMBER, 1913.

(P.C. 2797.)

The Committee of the Privy Council have had before them a report from the Minister of Trade and Commerce, dated 3rd November, 1913, upon a Confidential despatch from the Right Honourable the Secretary of State for the Colonies, dated 26th May, 1913, relating to the proposed Treaty between Great Britain and Switzerland, which, if concluded, will enable the self-governing Dominions to procure the abrogation of certain provisions of the Anglo-Swiss Commercial Treaty of date the 6th day of September, 1855, in so far as these provisions affect the said Dominions.

The Minister observes that accompanying the despatch and explanatory thereof was a copy of correspondence had between the Right Honourable Sir Edward Grey and the Swiss Minister in London, culminating in a draft protocol submitted in the Swiss Minister's note to Sir Edward Grey of the 25th of April, 1913, the material provisions of which, so far as Canada is concerned, are as follows:—

* Whereas the commercial relations of the British Empire and the Swiss Confederation are at present regulated by the Treaty of the 6th September, 1855, and whereas it is desirable to make further provision with regard to the application to certain parts of His Britannic Majesty's Dominions, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New

* No. 408.

Zealand, the Union of South Africa, and Newfoundland, of certain stipulations of the said Treaty relating to the treatment of goods the growth, produce, or manufacture of the territories of the one Contracting Party in the territories of the other:

"The Government of His Britannic Majesty and the Federal Council of the Swiss Confederation hereby agree that either of the Contracting Parties shall have the right at any time to terminate Articles IX. and X. of the said Treaty with respect to any or all of the above-mentioned Dominions on giving twelve months' notice to that effect."

Articles IX. and X. referred to are as follows:—

"IX. Neither of the two Contracting Parties shall impose upon the importation, warehousing, transit, or exportation of any article the growth, produce, or manufacture of the territories of the other any other or higher duty than that which is, or may be, imposed upon the like article, being the growth, produce, or manufacture of any other foreign country.

"X. The two Contracting Parties further engage that any favour in matters of commerce which either of them may hereafter grant to any third Power shall be also, and at the same time, extended to the other Contracting Party."

The Secretary of State for the Colonies, in the despatch referred to, states that he will "be glad to learn whether the Ministers of the Crown in Canada concur in the conclusion of a Treaty with the Swiss Federation in the terms of the protocol" already quoted.

At the Imperial Conference of 1911, a Resolution was unanimously carried—

"That His Majesty's Government be requested to open negotiations with the several foreign Governments having Treaties which apply to the Overseas Dominions with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty in respect of the rest of the Empire."

The Minister further observes that whilst the draft protocol does not procure for Canada all that was contemplated by the Resolution of the Imperial Conference of 1911, it accomplishes what was chiefly aimed at in providing a means of withdrawing from the tariff clause of the Treaty of 1855, and in that respect is entirely satisfactory.

The Committee, therefore, on the recommendation of the Minister of Trade and Commerce, advise that Your Royal Highness may be pleased to cause a despatch to be prepared and forwarded to the Right Honourable the Secretary of State for the Colonies stating that the Governor-General in Council concurs in the conclusion by His Majesty's Government of a Treaty with the Swiss Federation in the terms of the Protocol referred to.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

40109

No. 472.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential (2).)

MY LORD,

Downing Street, 28 November, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 15th of August,* regarding the Anglo-Swiss Treaty of 1855.

2. In reply, I have to request you to inform your Ministers that His Majesty's Government have now received the concurrence of the Governments of Canada, New Zealand, the Union of South Africa, and Newfoundland, in the signature of the draft Protocol, which is printed on pages 11 and 12 of the print enclosed in my Confidential despatch of the 26th of May last.†

* No. 447.

† No. 403.

3. Steps are now being taken to approach the Swiss Government with a view to the signature of the Protocol, but as the Protocol must be ratified, the consent of the Swiss Federal Assembly being obtained, some time must elapse before it can come into effect. As soon, however, as it has been ratified steps will be taken to notify the withdrawal of His Majesty's Government from Articles IX and X in respect of the Commonwealth of Australia, the Territory of Papua, and Norfolk Island.

I have, &c.,
L. HARCOURT.

40109

No. 473.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 146 in Dominions No. 51.]

SM,

Downing Street, 1 December, 1913.

WITH reference to your letter of the 8th May last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copies of the replies† received from the Governments of the self-governing Dominions, on the subject of the proposed agreement between the United Kingdom and Switzerland regarding the application of the Treaty of 1855, and to request that the Swiss Government may now be approached with a view to the conclusion of the Protocol.

2. I am also to request that, after the ratification of the Protocol, notice of the termination of Articles IX and X of the Treaty of 1855 in respect of the Commonwealth of Australia may be given, as requested in Lord Denman's telegram of the 15th August.‡

I am, &c.,
H. W. JUST.

33992

No. 474.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 1st December, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th September§ enclosing draft of a reference which it is proposed to make to the Law Officers of the Crown, with a view to obtaining their opinion on the question raised by the contentions of the Russian Government that if the Treaty of the 12th January, 1859, should cease to apply to a self-governing Dominion, "vessels of the said Dominion" would cease to be entitled to the benefits conferred by the Treaty on British ships generally.

2. Mr. Harcourt is inclined to doubt whether the draft reference provides the Law Officers with all the material necessary to enable them to pronounce conclusively on the question. I am to enclose a copy of a memorandum which has been prepared in this Department, and to enquire whether Sir E. Grey would have any objection to this memorandum being included among the documents to be laid before the Law Officers. If this is done, the draft reference will require some modification.

3. Mr. Harcourt would be glad to learn whether any light is thrown on (a) the provision in regard to Finnish vessels made in Article XIX. of the Treaty with Russia of the 12th January, 1859, and (b) the allusion to ships of the Colonies in Article II. of the Treaty of Navigation with Russia of the 16th August, 1865, by the records of the respective negotiations.

4. The question to be submitted to the Law Officers so closely concerns the Board of Trade that it is not desirable, in Mr. Harcourt's opinion, that the submission should be made until the Board have had an opportunity of offering their views. A copy of the correspondence is accordingly being sent to the Board of Trade for their consideration.

I am, &c.,
H. W. JUST.

* No. 403.

† Nos. 422, 432, 447, 450, and 471.

‡ No. 447.

§ No. 457.

Enclosure in No. 474.

MEMORANDUM.

The Treaty of Commerce and Navigation with Russia, dated the 12th January, 1859, applies to the whole of the British territories, and, in pursuance of a resolution of the Imperial Conference of 1911, proposals have been made to the Russian Government with the object of enabling the self-governing Dominions to "withdraw" from the Treaty. The reply of the Russian Government deals, *inter alia*, with the effect of such "withdrawal," and propounds the view that not only the goods, but also the "citizens" and vessels of a "withdrawing" Dominion will be disqualified from the benefits conferred by the Treaty.

The position of "citizens" is sufficiently dealt with by the opinions given by the Law Officers of the Crown on the 23rd January, 1899, the 13th October, 1899, and the 4th April, 1911.* No ruling has, however, been given as to the position of British vessels (as distinguished from British subjects) under a Treaty which applies only to a portion of the British territories.

The Russian Government are, of course, free to impose whatever conditions they may think fit on the proposed modification of the Treaty; but for the present purpose the question is whether any British vessels, and, if so, which, will cease to be entitled to the benefits conferred by the Treaty on British vessels generally if the Treaty ceases to be applicable to one or more of the self-governing Dominions.

It is possible that the attitude of the Russian Government may have been influenced by the circumstances—

- (a) that the proposal of His Majesty's Government is limited to the self-governing Dominions, and
- (b) that the proposal is one for the "withdrawal" of the Dominions.

These two circumstances give some colour to the view that the Dominions are parties to the Treaty, instead of merely portions of the British territories to which the Treaty is applicable. This view is, of course, mistaken, and it will be necessary to explain to the Russian Government that the proposal of His Majesty's Government is directed merely to the restriction of the geographical scope of the Treaty. It is important to bear this in mind in considering the question of the effect on British vessels of the acceptance of the proposal. His Majesty's Government might have included all the British possessions in the proposal. It is not material that they have included only the self-governing Dominions. The effect of the proposal, whatever it is, is not to be determined by the constitutional relations of His Majesty's Government to the Governments of the self-governing Dominions. There is only one British nationality for vessels, just as there is only one British nationality for subjects, and the effect of the proposal would be the same if it had been confined to British possessions under the complete control of His Majesty's Government.

The Russian Treaty was concluded at a time when it was customary to apply commercial treaties to the whole of the Empire. Subsequently the plan was adopted of inserting a "Colonial" Article which provided that the Treaty should apply to all the British Colonies and possessions, with the exception of India and the self-governing Colonies, to which the Treaty could only be made applicable by a notification of adhesion. An instance of such a Treaty was the Treaty with Japan of the 16th July, 1894, which formed the subject of the Law Officers' Opinion of the 23rd January, 1899. The modern form of "Colonial" Article places, however, all British possessions on the same footing, and provides that the Treaty shall not be applicable to any possession or protectorate except after a notification of adhesion. It was with Treaties containing a "Colonial" Article in the modern form that the Law Officers' Opinion of the 4th April, 1911, dealt.

The rights secured from foreign Powers by all the many Treaties of the types covered by the previous rulings of the Law Officers fall into two classes, (a) rights following the allegiance, and (b) rights which depend for their enjoyment on the fulfilment of some condition in some portion of the British territories to which the Treaty extends.

* Nos. 206A and 232A in Volume V, and No. 137 in Volume VII, of Law Officers' Opinions.

It is, however, important that it should not be supposed that Treaties of Commerce and Navigation, which confer rights on British subjects and British vessels in general, while applying geographically to a portion only of the British territories, are a modern invention. They are rather a reversion to the practice which obtained before it became customary to apply Treaties to the whole Empire. An example of this practice will be found in a Treaty still in force, viz., the Treaty with the United States of America of the 3rd July, 1815. On the British side, the geographical application of this Treaty is confined, with the exception of certain stipulations as to the Eastern trade, to "the territories of His Britannic Majesty in Europe." Yet rights are conferred on "British vessels" generally. It might be held that the words "the inhabitants of the two countries . . . with their ships" which occur in Article I. of the Treaty require that the expression "British vessels" should be construed as meaning only "vessels of the inhabitants of His Britannic Majesty's territories in Europe." But this view is not tenable. It is clear that the word "country" is used in the sense of "nation" which occurs in the later part of the same Article, and the word "inhabitants" appears to have been used merely as an equivalent for "citizens and subjects." The point is made quite clear by a comparison with the Treaties with the Argentine Republic and with Venezuela, which both go back to the year 1825, and the Treaty with Costa Rica of the 27th November, 1849. Article II. of the Treaty with the Argentine Republic is identical with Article I. of the Treaty with the United States, and the only difference between Article II. of the Treaty with Venezuela and Article II. (paragraph 1) of the Treaty with Costa Rica, on the one hand, and Article I. of the Treaty with the United States, on the other, is the substitution of the phrase "subjects or citizens" for the word "inhabitants." Further, Article II. of the Treaties with the Argentine Republic, Venezuela, and Costa Rica, like Article I. of the Treaty with the United States, deals only with the British territories in Europe. Article III. in each of the Treaties with the Argentine Republic, Venezuela, and Costa Rica (it will be observed that Article III. of the Treaty with Costa Rica refers to "the inhabitants of the Republic" although Article II. speaks of "citizens") deals with the British dominions outside Europe, but confers no rights on the inhabitants of such dominions.* It must, therefore, be supposed that the rights of all such persons had already been secured by Article II.

The Act of Congress which gave statutory effect to the Treaty with the United States of the 3rd July, 1815 (Hertslet, Vol. III. p. 485) referred to "vessels of Great Britain," and the similar British Act (56 Geo. III., Cap. XV.) placed American vessels on the same footing as "British-built vessels or vessels navigated and registered according to Law." Lastly, the last paragraph of Article II. of the Treaty has always been interpreted by the United States as extending to all British subjects and ships.

The Treaty with the United States of the 3rd July, 1815, must, therefore, be considered as one which confers privileges on all British vessels, though it does not extend geographically to Canada, Newfoundland, Australia, New Zealand, nor, except to a very limited extent, to the Union of South Africa. Similarly, by the Treaty with Prussia of the 2nd April, 1824, "British vessels" generally were given privileges in Prussian ports, though Prussian vessels were given privileges only in the ports of the United Kingdom (Hertslet, Vol. III., p. 353). Similar provision was also made by the Treaty with the Hanseatic Republics of the 29th September, 1825 (Hertslet, Vol. III., p. 226).

His Majesty's Government do not consider the two Treaties last-mentioned to be still in force, but the Treaty with Bulgaria, concluded as recently as the 9th December, 1905, seems to be similar. This Treaty contains a "Colonial" Article of the modern form (XX.) and the usual definition of British and Bulgarian vessels (IX.), but it provides (Article VIII.) that "Bulgarian vessels and their cargoes in the United Kingdom and British vessels and their cargoes in Bulgaria" shall be entitled to national treatment, and (Article XIII.) that "British ships and goods in Bulgaria and Bulgarian ships and goods in the United Kingdom" shall enjoy in certain specified respects both national and most-favoured-nation treatment.

It is realised that the expression "British ships and goods" in Article XIII. may only mean "British ships and goods of British origin." In which case the

* Compare also the Treaty with Mexico of the 26th December, 1826 (Hertslet, Vol. III., p. 247) and the Treaty with Bolivia of the 29th September, 1840 (p. 41 of the 1907 Volume of Commercial Treaties). These two Treaties are no longer in force.

"goods" would, of course, be only entitled to the benefits of the Treaty if originating in a part of the British territories to which the Treaty applies. But this restricted interpretation of the word "goods" cannot affect the rights of "British ships" under the Article, any more than the rights of "British subjects" under the last paragraph of Article IV. would be affected by placing the same restricted interpretation on the word "goods" where it occurs in that paragraph in the phrase "British subjects and goods." In Article VIII. any discrimination between goods forming the "cargo" of British ships is expressly ruled out.

This Treaty with Bulgaria resembles the Treaty with Japan of the 16th July, 1894, which formed the subject of the Law Officers' Opinion of the 23rd January, 1899,* as being the occasion on which Consular jurisdiction was abolished. The Declaration respecting the abolition of Consular Jurisdiction appended to the Bulgarian Treaty is printed on page 76 of the 1912 volume of Commercial Treaties. In this Declaration, again, we find that, while provision is made in regard to the treatment in Bulgaria of "British subjects" generally, provision is made in regard to the treatment of Bulgarian subjects in the United Kingdom only.

There cannot, in these circumstances, be much doubt that the privileges which the Bulgarian Treaty confers on British vessels in Bulgarian ports are altogether independent of the extension of its provisions outside the United Kingdom. Another case of this kind is the Treaty with Egypt of the 29th October, 1889. It may be contended that a recognition of this principle by Bulgaria, especially in the course of negotiations which included the question of the abolition of Consular jurisdiction, or by Egypt in view of its relations with the United Kingdom, does not advance matters very much. But there is a further argument of a general character. Instances have been given above of cases in which British ships generally have been granted privileges in foreign ports, while the foreign ships have been granted privileges only in ports of the United Kingdom. In none of these cases was the Treaty concluded with a country possessing Colonies. Various Treaties are, however, in existence which have been concluded with countries possessing Colonies, but which provide for the reciprocal grant by each party to the vessels of the other of privileges in metropolitan ports only. Such Treaties are those with Denmark of the 16th June, 1824, with the Netherlands of the 27th October, 1837, and with France of the 26th January, 1826, and the 28th February, 1882. Treaties are also in existence with the Netherlands (17th March, 1824) and with France (additional Articles to the Treaty of 1826) which apply only to Colonies. If it is to be held that ships are disqualified from privileges conferred by Treaty merely because they are assignable, by whatever test, to a place to which the Treaty does not apply, it would seem to follow that metropolitan ships are alone entitled to the privileges conferred by the three Treaties first mentioned, and that the ships of the Colonies concerned are alone entitled to the privileges of the two Treaties last mentioned.

In view of the considerations set out above, there does not appear to be any *prima facie* ground for supposing that the view taken by the Russian Government is correct.

In their opinion of the 23rd January, 1899,* which was given with reference to the Treaty with Japan of the 16th July, 1894, the Law Officers held that "the question who are British subjects for the purposes of the Treaty is one of British law" and that "the discrimination introduced by Article XIX. is territorial merely, and not personal." In their opinion of the 13th October, 1899,† the Law Officers explained the application of their previous opinion to Article XVII. of the Japanese Treaty of 1894 and to Articles II.-VI. of the Industrial Property Convention of 1883. In the case of each Article they applied the local test only where such a test was expressly laid down. They did not consider whether it was possible to invent a local test. Otherwise they might have held that patents, &c., of British subjects were not entitled to the protection granted by Article XVII. of the Treaty with Japan or Article II. of the Industrial Property Convention if registered or otherwise locally assignable to a part of the Empire to which the Treaty or Convention did not apply. It was sufficient for them that the rights conferred by the two Articles were conferred on British subjects generally.

Similarly, in their opinion of the 4th April, 1911,‡ they held that *all* British subjects are "entitled to the benefits accorded to British subjects *eo nomine* in any

* No. 206A in Volume V of Law Officers' Opinions.

† No. 232A in Volume V of Law Officers' Opinions.

‡ No. 137 in Volume VII of Law Officers' Opinions.

Treaty or Convention concluded by His Majesty's Government, unless the particular Treaty or Convention indicates an intention that they or any class of them should be excluded from the benefits conferred by it upon British subjects at large. The question whether such an intention is indicated must, of course, depend upon the construction to be placed upon the particular document."

Let it now be assumed that His Majesty's Government had succeeded in obtaining the consent of the Russian Government to the separate termination, if desired, of the Treaty of 1859 in respect of the self-governing Dominions, and that the power of separate termination had been exercised in respect of one of the self-governing Dominions. How far do the rulings already given by the Law Officers answer the question of the effect on British ships of the non-application of the Treaty to that Dominion?

The Russian Treaty contains no "Colonial" Article, and extends geographically to the whole of the British territories. It differs, however, in no other material respect from Treaties of the types covered by those rulings. As in the case of those Treaties, the rights secured from Russia by the Russian Treaty may be distinguished as (a) rights which follow the allegiance, and (b) rights which depend for their enjoyment on the fulfilment of some condition in the British territories to which the Treaty extends. The question for decision may, therefore, be put as follows: Under which of these two heads do the rights secured for British vessels fall?

The principle of the proposition laid down by the Law Officers that the question: who are British subjects for the purposes of a Treaty is one of British law, is expressly adopted in Article IX. of the Russian Treaty for both British and Russian vessels, and the Imperial Parliament has, in fact, defined the qualifications necessary to the status of a British vessel, just as it has defined those necessary to the status of a British subject.

Attention is further invited to the fact that in Article I. "ships" are treated as appanages of "subjects" rather than of territories. Similarly, in Article X., rights of navigation are treated as rights of subjects. In these two respects the Russian Treaty resembles the majority of Treaties now in force. Note also the reference to the "national flag" in Article VI. There is only one national flag for British merchant ships—the red ensign (*see* Section 73 of the Merchant Shipping Act, 1894). Authority has been given under powers first obtained in 1889 (Sections 52-53 Vic. Cap. 73, now Sections 73-75 of the Merchant Shipping Act, 1894) for ships registered in Canada, Australia, New Zealand, and the Union of South Africa, to fly the red ensign defaced with local badges—and, in Australia and New Zealand, the red ensign so defaced has been declared by Statute to be the proper colours for merchant ships registered in those Dominions. The flying of such colours is optional, but in any case vessels sailing under them cannot be said not to be sailing under the national flag. In certain cases, indeed, permission is given for the flying of the *blue* ensign on ships registered in the Dominions.

The Russian Treaty contains two Articles of a special character, Articles XVIII. and XIX. Article XVIII. relates to the Ionian Islands, which were, of course, to use modern phraseology, a Protected State and not a Protectorate. The Article appears to have no bearing on the question under discussion, though it is interesting to observe the collocation of "subjects and vessels." Article XIX. relates to Finnish vessels. This Article was inserted by the Russian Government, apparently because the status of Finnish vessels was at the time regulated by Finnish law.*

The only local test for British ships laid down in any existing treaty is apparently the test imposed by Article VII. of the Treaty with the Argentine Republic and Article VII. of the Treaty with Venezuela, where it is laid down that a vessel to be British must, in addition to other qualifications, "be built in the Dominions of His Britannic Majesty." It would appear that under this test British vessels built in any British possession to which either of these two treaties may cease to apply hereafter would not be entitled to the benefits conferred on British ships by the Treaty.

A further Treaty requires mention, viz., the Treaty of Navigation with Austria-

* In submitting the Russian counter-draft, Prince Gortchakow said:—"Les Articles XVIII et XIX n'ont pas besoin d'une explication plus particulière. Le premier relatif aux Îles Ioniennes est la traduction fidèle de l'Article XVIII du Projet anglais. De même que l'effet du nouveau Traité sera étendu aux bâtiments Ioniens, il sera aussi applicable à la marine marchande finlandaise laquelle navigue sous pavillon russe." Ionian vessels did not, of course, sail under the British flag (*see* Herslet's Treaties, Volume I, pages 51 and 57).

Hungary of the 30th April, 1868. Article I. of this Treaty gives national rights to "British ships and their cargoes" in the Austro-Hungarian dominions and to "ships belonging to the citizens (*schiffe von Angehörigen*) of the Imperial and Royal States and their cargoes in all the dominions of Her Majesty the Queen, etc." Article II., however, provides: "The stipulations contained in the preceding Article are also to be applied to the Colonies and foreign possessions of Her Britannic Majesty, as well as (sowie) to the ships and cargoes of the same, but, as regards the coasting trade, only in those Colonies and foreign possessions, etc." The Treaty with Austria was based on an earlier treaty with Prussia, no longer in force (Treaty of Navigation of the 16th August, 1865, Hertslet, Volume XII., page 764), and the words underlined above are found (Article II.) in the Prussian Treaty, but after an Article (Article I.) which provided for the grant of national rights to Prussian vessels and their cargoes in the United Kingdom only. Used in such a connection, the words are intelligible. It was necessary to stipulate that the privileges granted to Prussian ships in the ports of the United Kingdom were to be enjoyed in Colonial ports. It was not necessary to refer to Colonial ships, but the expression "as well as" implies that it was realised that Colonial ships had already been provided for by the rights conferred on British ships in general. Some distinction between British Colonial vessels and other British vessels must, however, have been present to the minds of the negotiators,* but the Prussian Government should have been fully seized of the meaning of the term "British ships." For the Treaty of 1865 followed (and expressly mentioned in the Preamble) the Treaty of 1824 already referred to (Hertslet, Volume III., page 353) and a later Treaty of 1841 (Hertslet, Volume VI., page 751), which conferred certain privileges on ships of Prussia and the other States of the Zollverein in the United Kingdom and the British possessions abroad, conditionally on certain treatment of "British vessels and their cargoes," and also placed "the trade and navigation of the subjects of Her Britannic Majesty" in certain respects on a most-favoured-nation footing. Article I. of the Austrian Treaty differed, however, from Article I. of the Prussian Treaty in conferring on Austro-Hungarian ships national rights in the whole of the British dominions. The words in Article II. underlined above, therefore, add nothing whatever to Article I., and the reference to Colonial vessels is made doubly otiose by the inclusion of an Article (Article V.) defining national vessels. (There was no such Article in the Prussian Treaty). The oversight (if such it was) seems, however, to offer one advantage. If an arrangement could be negotiated with Austria-Hungary providing merely that the Treaty should cease to apply to a British possession, it would not be possible for the Austro-Hungarian Government to contend that this affected any class of British vessel.

The negotiators of the Treaty of Navigation with Austria-Hungary of the 30th April must (notwithstanding the reference to ships of the Colonies in Article II.) have held that the rights of ships are the rights of subjects, for the contrasting expression to "British ships" is "ships belonging to the citizens of the Imperial and Royal States" (Article I., see also Article V., which lays it down that Austro-Hungarian law is to decide not who are such citizens, but what ships belong to them).

It has been suggested that one or both of two local tests may be applicable: (a) local registration, (b) local ownership. These tests are not prescribed by the Russian Treaty or by any existing Treaty. To apply them, therefore, would be contrary to the principle on which the Law Officers have hitherto proceeded, viz., that of not inventing local tests, but merely applying local tests expressly prescribed. The Russian Treaty, like most existing treaties, leaves the question what is a British ship to be determined by British law. As regards the first suggested test, viz., local registration, all British ships must, of course, be registered at a port of registry, and the port of registry of a ship is "the port to which she belongs" (Section 13, Merchant Shipping Act, 1894). The port of registry must be marked on the stern

* The words "as well as to the ships and cargoes of the same" did not occur in the British draft of the Treaty. It was in the Prussian counter-draft that they were first inserted. In sending home the Prussian counter-draft, His Majesty's Ambassador at Berlin observed that Article II. secured to Prussian ships the same rights in the British Colonies and possessions, i.e., the rights of British ships and, therefore, of the vessels of the Colonies themselves. This seems to suggest that the Prussian Government thought it possible that British Colonies might treat their own ships more favourably than other British ships and wished, therefore, to ensure that the measure of the rights of Prussian ships in a British Colony should be the rights of the ships of that Colony (cf. Sec. 736 (b) of the Merchant Shipping Act, 1894).

(Section 7 (a), Merchant Shipping Act, 1894). It has been possible since 1696 (7 & 8 Will. III., Cap. 22) for British ships to be registered in the oversea possessions, but it is now possible to register British ships not only in British ports, but also in ports (see Section 88 of the Merchant Shipping Act, 1894) outside the British dominions where His Majesty has jurisdiction and where a registry has been set up. The view that British ships registered in a place to which the Russian Treaty does not apply are *eo facto* disentitled to the benefits conferred by the Treaty on British ships generally involves the exclusion from the benefits of the Treaty of all ships registered as British ships outside His Majesty's dominions.

Registration is conducted under the provisions of the Imperial law and not of the local law, and the oversea registers are as much British registers as the registers kept at home. It is true that under Section 735 of the Merchant Shipping Act, 1894, all Colonial Legislatures have a certain power of substituting their own legislation for that of the Imperial Parliament in so far as concerns certain ships registered in their ports. Probably, also, His Majesty's Government would not be disposed to impose international obligations on British ships registered in the self-governing Dominions without the consent of the Dominion Governments. But these are purely domestic arrangements and do not in any way affect the status of British ships or the right of His Majesty's Government to obtain benefits for British ships registered out of the United Kingdom.

A propos of the above reference to Section 735 of the Merchant Shipping Act, 1894, it may be of interest to quote the following passage from a Report in which the decree of the 21st December, 1911, respecting the mercantile marine in the French Colonies was laid before the President of the French Republic:—

"La législation applicable au navire est celle du lieu de son port d'attache. Les bâtiments qui pratiquent la navigation maritime aux Colonies restent, en effet, soumis à la législation métropolitaine s'ils ont conservé leur port d'attache en France. Inversement, ceux qui sont attachés dans les ports des Colonies sont placés sous le régime créé par le décret. . . . En définitive, au point de vue juridique, le décret consacre la distinction entre les navires ayant leur port d'attache dans la métropole et ceux ayant leur port d'attache dans les Colonies. Ainsi s'introduit une nouvelle notion, celle de l'exterritorialité Coloniale, un navire immatriculé dans un port des Colonies étant censé représenter une parcelle détachée du territoire de la Colonie, entraînant avec lui la législation locale." The words underlined explain very clearly the principle on which the decree was based, but there is nothing to show that the principle would be carried by the French Government into the sphere of Treaty interpretation so as to exclude French vessels registered in a French Colony to which a treaty does not apply from the benefits conferred by that Treaty on French ships generally. The principle that ships are detached portions of the territory to which they belong is not, in any case, one which is recognised by His Majesty's Government.

Of the two suggested local tests, if any such test has to be applied, that of the port of registry is undoubtedly easy of application, and, so far as the relations of His Majesty's Government with the self-governing Dominions are concerned, represents a real constitutional distinction.

The second test, that of local ownership, has neither of these advantages. If ships owned in the oversea possessions are not to be considered as British ships, when it is necessary to distinguish for treaty purposes between Colonial British ships and other British ships, His Majesty's Government must expect to be called upon to relinquish the right to impose international obligations on ships owned in the self-governing Dominions (even if registered in the United Kingdom) without the consent of the Dominions and also to allow Dominion Parliaments to legislate for such ships at their discretion. Again, what is meant by "locally owned"? If privately owned, must the ships be wholly "locally" owned, or will the "local" ownership of any part of a ship disqualify? Apart from the fact that privately-owned British ships need not necessarily be owned in British territory, the test of local ownership does not permit of an easy discrimination between Colonial British ships and other British ships. In the case of ships owned by companies, it would be simpler to apply the test of local ownership, but the position of companies under commercial treaties is generally obscure, and difficulties may easily arise if the Treaty rights of ships are held to depend on the treaty position of companies. The test of local ownership implies, indeed, that the rights of ships are really the rights of subjects, but if this is the correct view then the question is covered completely by the previous

opinions of the Law Officers and the test of local ownership must be rejected if it is not expressly prescribed by the treaty.

A further point calls for mention. What is the difference, if any, in regard to the question under discussion, between treaties which, like the Russian Treaty, contain a definition of British vessel and those which, like the Treaty with the United States of the 3rd July, 1815, and the Treaty with Sweden and Norway of the 18th March, 1826, contain no such definition? As already pointed out, the Treaty with the United States only applies to a portion of His Majesty's territories, and arrangements have been made both with Sweden and Norway whereby His Majesty's Government are empowered, if they so desire, to terminate the treaty with Sweden and Norway in respect of the self-governing Dominions. Apparently the only difference is that where there is a definition of national ships the parties must stand by that definition, but where there is no such definition, each party is in strictness at liberty to question the national status of a ship purporting to be a national ship of the other party, but possesses no greater right than in cases where the Treaty includes a definition of national ships to contend that the ship, though a national ship, is not among the national ships to which the treaty applies.

See
attached
extracts.

Sees. 122^a
and 129^a.
Sees. 133-
139.

It will be seen from the appended extracts which have been furnished by the Intelligence Division of the Admiralty that there is nothing in the law of Russia to require that Russian subjects must reside in Russia to qualify as owners of Russian ships, and that, in certain circumstances, a Russian ship may be owned, either wholly or in part, by foreign subjects. A foreign vessel acquired by a Russian subject abroad may become a Russian ship before formal registration in Russia, and this registration need only take place within one year from the grant of the temporary certificate by the Russian Consul, if the ship was acquired in a European port, or within two years if the ship was acquired in a non-European port.

Some light is thrown on the question of the position of British ships under treaties which confer benefits on British ships in general, while applying only to a portion of the British territories, by the International Radiotelegraph Conventions of 1906 and 1912 (Treaty Series No. 8 of 1909 and No. 10 of 1913).

These two Conventions impose obligations as well as confer benefits on ships, but this does not affect the question under discussion. The principle remains the same, whether the subject matter is a benefit or an obligation.

The Convention of 1906 applies (Article I.) to all "ship-stations established or worked by the Contracting States." The term "ship-station" is defined (Article 2) as meaning "any radio-telegraph station established on board a ship which is not permanently moored." The rate of the ship-charge is subject (Article 10) to "the approval of the Government whose flag the ship flies." Provision is made (Article 14) respecting ship-stations which are "not subject to the provisions of the present Convention." The phrase "a ship belonging to a non-contracting country" is also used in this connexion.

Provision is also made (Article 12) in regard to the adhesion by the Governments of the contracting countries for their Colonies, Possessions, and Protectorates, and (Article 16) in regard to the adhesion of non-signatory countries. Nothing is said in the Convention itself as to the position of ships connected with Colonies, &c., but Article 5 of the Final Protocol, after setting out that "the adhesion to the Convention of the Government of a country having Colonies, Possessions or Protectorates does not imply the adhesion of its Colonies, Possessions or Protectorates in the absence of a declaration to that effect on the part of such Government," provides:—

"It is understood that stations on board ships having their port of registry in a Colony, Possession or Protectorate may be deemed to be subject to the authority of such Colony, Possession or Protectorate."

The first part of the Article, as worded, applies in strictness only to non-signatory countries, but there can be no doubt that it was intended by the negotiators that Colonies, &c., of the contracting countries should stand on the same footing as those of acceding countries, and that no ship registered in any Colony should be affected by the provisions of the Convention unless the Convention was in force in that Colony.

This is made clear by the Service Regulations appended to the Convention, which have the same validity as the Convention itself. Note the provisions of Articles IV. 1 (i), IV. 2, VI., VII., XXXVI.

The Convention of 1912 also applies (Article I.) to all ship-stations "established or worked by the Contracting Parties" and defines (Article 2) a "ship-station" as "every radio-telegraph station established on board a ship other than a permanently stationary ship." The ship-charge is, however, subject to the approval, not as in the Convention of 1906 "of the Government whose flag the ship flies" but (Article 10) "of the Government to which the ship is subject." Article 14, like Article 14 of the Convention of 1906, refers to ship-stations which are "not subject to the provisions of the present Convention" and to ship-stations "subject to a non-contracting country." Provision is made (Articles 12 and 16) in regard to the Colonies, &c., of Contracting States, and in regard to those of acceding States nothing is said either in the Convention or in the Final Protocol as to the position of ships connected with the Colonies, &c., but the Service Regulations (Article 9) provide:—

"Stations on board ships having their port of registry in a Colony, Possession, or Protectorate may be described as being subject to the authority of such Colony, Possession, or Protectorate."

This provision should be read with Article 10 of the Convention, the other stipulations of Article 9 of the Service Regulations, and with Articles 3 (1), 5 (3), 10 (1), 12 (1), 13 (b), and 42 (3) of the same document.

In these circumstances it may reasonably be stated that the negotiators of both Conventions proceeded on the principle that the non-application of the Convention to a Colony was not in itself sufficient to exclude ships connected with that Colony from the operation of the stipulations of the Convention in regard to ships of the Contracting States generally.

APPENDIX.

NATIONALISATION OF MERCHANT VESSELS.

RUSSIA.

Paragraphs marked * are unchanged from the Laws of Registration published in 1903. Paragraphs appearing in an altered form in the Supplement for 1906 are given herewith. Paragraphs appearing in the Supplement for 1909 are apparently not in the 1903 edition. See last page—*précis* of additional paragraphs.

1903.

Article 122. The right to hoist the Russian national flag belongs exclusively to Russian subjects and is extended to the following:—

1. Russian joint-stock companies, the management or chief offices of which are in Russian territory.
2. Trading houses, established upon a legal basis, if one of the directors, having the right of signature, is a Russian subject.
3. Persons who build or purchase a vessel at the general expense, provided that the principal partner is a Russian subject.

Article 133. If a vessel which is supplied with a patent for carrying the Russian flag, becomes unsuitable for navigation in distant seas, or goes into the possession of a person who has not the right to possess a Russian vessel, *et seq.*, as in original.

Article 138. . . . but no sooner than the purchaser presents proofs that, on the basis of Article 122, he has the right to sail under the Russian flag

Article 167. . . . The custom house passport is renewed for each voyage.

The following are extracts from the Russian Laws on Registration and on Patents for Sailing under the Russian flag:—

122. The right of hoisting the Russian national flag belongs exclusively to Russian subjects and extends to the following (1906 Supplement):—

- 122^a.—(1) A single owner or persons who have jointly built or purchased a ship, or have received a ship conjointly by inheritance, provided that they are all Russian subjects.
- (2) Private or joint-stock companies, if all the directors in the former, and, in the case of the latter, all the shareholders in addition are Russian subjects.
- (3) A public company or private firm, if all shares or holdings are in the name of and belong to Russian subjects, and provided that the administration of the concern is within the limits of the Empire, and that its members, the Managing-director, or the official corresponding to him, are Russian subjects.

122^b. A vessel loses the right of sailing under the Russian national flag—

- (1) If within a period of three years from the date of the death of the former owner, a foreign subject inheriting the vessel or a share in her, does not sell his holding to a Russian subject, or the remaining joint owners do not acquire the vessel in question or the share in her, in the manner laid down in Article 161;

- (2) If a foreign subject who has inherited from a shareholder and has the right to attend, and take part in, meetings of the Company, or has succeeded to the Directorate of such Company, has not resigned within three years from the date of the decease of the testator.

122². A vessel loses the right to fly the Russian national flag, in the event of her being disposed of to a foreign subject either by her sole owner, by one or more joint owners, or by a person having the right to act on behalf of a director or shareholder in a private or joint-stock company to which such vessel may belong, in contravention of Sections 1 and 2 of Article 122² (1906 Supplement).

122³. Notwithstanding the provisions of Article 122¹, merchant vessels which were acquired by joint owners prior to the publication of Articles 122-122³ (Supplement) may continue to avail themselves of the right to fly the Russian national flag in accordance with the previously existing law, but in the event of such vessels being transferred subsequently to a person who fails to fulfil the conditions laid down in Article 122¹ (Supplement) they will forfeit such right.

122³. Notwithstanding the provisions of Article 122¹ (Supplement), shipping companies, and trading houses possessing ships, founded prior to the publication of the provisions of Articles 122-122³ (Supplement), whether they are joint-stock or private concerns, may continue to avail themselves of the privilege of flying the Russian national flag in accordance with pre-existing law.

122⁴. In the event of it being necessary for the enterprises mentioned in Article 122³ (Supplement) to increase their capital or to take in new partners, with the object of increasing the number of vessels belonging to them, it is hereby enacted that—

- (1) None but Russian subjects are allowed to join private or joint-stock companies in the capacity of a director;
- (2) None but Russian subjects may make new investments in a private company;
- (3) In joint-stock companies, shares of a new issue must be in the name of, and belong to, Russian subjects.

122⁵. Notwithstanding the provisions of Article 122¹ shipping firms and trading houses owning vessels, which existed before the publication of the regulations laid down in Articles 122-122⁵ (Supplement), may continue to avail themselves of the privileges and exemptions connected with maritime industry up to the date to which such privileges and exemptions are granted them.

*123. Sailing under the Russian flag is authorised only upon the vessel being entered, in the manner defined in the hereinafter following Articles, in the ships' register of one of the Russian ports, and upon the issue to the owner of the vessel of a certificate to that effect, called a patent to sail under the Russian flag.

*124. All Russian sea-going vessels carrying more than ten lasts must be entered in the ships registers. It is not prohibited, moreover, if the owners desire it, to enter in these registers vessels of less burthen than ten lasts.

*125. The entering of a vessel in the ships register may be performed in every port custom house of the Empire, and, where there is no custom house, at the port authorities. For this purpose all such custom houses are provided by the Department of Maritime Trade with special books called the "Ships register of the Port of . . ."

*126. Petitions for entering a vessel in the ships register are filed in the respective custom houses, at the election of the owners. To such petitions, wherein are stated name of ship, her build, dimensions and size in lasts or tons, date and place of construction, and, if the vessel is a foreigner, date of her purchase, are appended:—

1. Proper documents certifying that the vessel has the right of sailing under the Russian national flag;
2. Ship's title deed;
3. Certificate of measurement;
4. Proof of the vessel having been certified.

NOTE.—For whalers or other fishing craft on the Murman coast acquired by Russian subjects abroad, putting in at a Russian port for legal ascription and the taking out of the established patent is not obligatory. The ascription of such vessels to a port and issue of patent is effected at a port custom house, at the request of the owner of the vessel, on the basis of copies certified by a consul of the documents enumerated in this article, and of the temporary certificate to hoist the Russian flag, or the Russian Consul's certificate to the effect that there is no obstacle to issue of such patent.

With the petition is enclosed the money for the payment of the tax laid down by Article 132, for the issue of the patent. The tonnage of a vessel is determined on the basis of the certificate of measurement, certified by the Russian Consul, issued in one of the countries with which Russia has concluded an agreement regarding the mutual recognition of certificates of measurement. In the patents issued by the customs authorities to the above-mentioned vessels, it must be stated that the vessel is allowed to navigate within the limits of the waters adjacent to the Murman Coast.

*127. On the basis of the documents enumerated in Article 126 are entered in the ship's register:—

1. Name or firm and residence of ship's owner or owners;
2. Name of vessel, with specification of build;
3. Dimensions and tonnage according to certificate of measurement;
4. Date of construction, and place, and, if the vessel is foreign, date of her acquisition;
5. Date of vessel being entered in the ship's register of the port.

*128. When a vessel is entered in the ship's register, a patent for sailing under the Russian flag is issued by the port custom-house to the owner or his representative.

This patent, in which is included all the information mentioned in Article 127, serves as a guarantee of the Russian nationality of the vessel.

133. If a vessel which is supplied with a patent for carrying the Russian flag, becomes unsuitable for navigation in distant seas, or forfeits the right of sailing under the Russian national flag, then the patent, to prevent fraud, must be returned for destruction to the customs authority of that port in which the vessel is registered.

*134. The name of a vessel entered in the ship's register can on no account be subsequently altered. This name, as likewise that of the port to which the ship is ascribed, is exhibited on her stern in large letters, in light colour on a dark ground, and such inscription must be kept in order as long as the vessel serves.

*136. In the event of the vessel being handed over from one person to another, or of the existing marks of the vessel which are entered in the ship's register being changed, owing to considerable alterations or reconstruction, the owner is under the express obligation to give information of the same, within a period of six weeks and to present the patent to the nearest port customs authority, which, having made the necessary remarks on the patent, will communicate with the customs of the port in which the vessel is registered, for the corresponding changes in the ship's register to be made.

NOTE.—In the event of the vessel being abroad, the six-weeks' period will date from the day of the arrival of the vessel in one of the Russian ports.

138. In case of the acquisition by a Russian subject of a foreign vessel abroad, the Russian Consulates, when executing or confirming the deed of purchase, issue temporary certificates for hoisting the Russian flag in the form shown in Article 123, but not sooner than the purchaser presents proofs of the fact that he fulfils the conditions laid down in Article 122¹.

1906 Supplement.—Such certificates are issued for vessels acquired by Russian subjects in foreign European ports, for one year, and in ports of other parts of the world, for two years.

NOTE.—In those States where there is a Government inspection of vessels with a view to certifying their strength and seaworthiness, Russian Consulates issue the temporary certificates specified in this Article not sooner than on receipt of the proper certificate of seaworthiness, &c.

*139. Upon issuing such certificates in the established form, the Consulate takes from the ship's owner or master a written statement as to what port of the Empire the ship is to be ascribed, so that on the vessel arriving at this port, all the conditions required by the laws, regarding the ascription of the vessel and the composition of the crew, shall be fulfilled, whereof it immediately notifies the Department of Maritime Trade, and the port custom house concerned.

*140. In the consular certificates for hoisting the Russian flag, as likewise in the declarations made by the shipowners or masters in order to receive such certificates, it is positively stated that a vessel which, prior to the expiration of the term specified in the certificate, shall not enter the Russian port for legal ascription thereto and the taking out of the established patent, loses every right to further sailing under the Russian flag.

*141. In the case of the impossibility in any circumstance, of entering, by the date defined in the certificate, the specified port, the master is bound to bring the same to the knowledge of the nearest Russian Consul, and the latter, having furnished the master with a temporary certificate which holds good only till the arrival of the vessel at such port of the Empire where there is a port custom house, immediately notifies the same to the custom house and the Department of Maritime Trade.

*142. If, in the case defined in the preceding Article (141), the proofs presented by the master of the necessity for delay are considered by the port custom house admissible, then upon the observance of the rules established for the ascription of vessels to Russian ports, the master is issued the usual patent for sailing under the Russian flag.

Purchase and Sale of Vessels.

*149. Every person has the right to buy vessels, whether they have been constructed in Russia or are foreign, and also to sell vessels belonging to him, within the Kingdom or in foreign ports.

*150. On the sale of a Russian vessel taking place, the purchaser is handed the ship's title deed, drawn up when the ship was constructed, with the signature of the person disposing of it, declaring from whom she was bought; and to whom, when, and for what sum the vessel was sold. This declaration is witnessed by a lawyer or his official representative; but if the vessel is sold in a foreign port, then the sale is confirmed by the Russian Consul, the Ambassador, or the Minister. If the vessel is sold to a person who does not possess the right to hoist the Russian flag, then the purchaser is given a new ship's title deed in the same way. In both cases of the sale of a vessel entered in the ship's register the custom house of the port in which the vessel is registered should be informed, within the period laid down in Article 136, so that the necessary note may be made in the ship's register.

*151. With the ship's title deed, when a vessel is sold, the purchaser is also given the other documents belonging to it, i.e., Patent for sailing under the Russian flag, the ship's log, and the customs house passport. But if a vessel, which is provided with a patent for hoisting the Russian flag, passes into the possession of a person who has not the right to hoist this flag, then it is the strict duty of all persons who execute or witness the acts of sale of vessels to see that the document referring to the possession of the vessel is not issued to the purchaser before that the Russian documents belonging to the vessel have been obtained from the latter, or from the person disposing of it, for destruction by the customs authorities of that port in which the vessel is registered. The remaining documents, if the vessel is sold within the Empire, should be sent to the customs house of that port where the sale took place, and if the vessel is sold in a foreign port, should be forwarded to the Department of Maritime Trade.

*152. Persons having the right of hoisting the Russian flag and who sell their vessels in the ports of foreign Powers are bound to execute the sale in the presence, and with the

co-operation, of the Russian Consuls in those ports, who in matters of this kind will be guided by the rules laid down in the consular regulations.

*153. In ports where there are no Russian Consuls, vessels may be sold through the medium of the local authorities, lawyers or brokers, according to law, provided that the necessary measures for the return of the crew are taken on the basis of the regulations laid down in Article 292, and provided that the ship's papers are laid before the nearest consul.

*154. In the event of the sale of a foreign vessel to a person having the right of hoisting the Russian national flag, all persons who execute or witness the deeds of sale of such vessels are bound not to deliver to the purchasers the documents giving them the control of such vessels before a note is made on the foreign documents belonging to those vessels, as to the time of sale, with the names of the former and new owners.

*156. The documents which must be carried by every vessel are as follows:—

1. Ship's title deed.
2. Patent for sailing under the Russian flag.
3. Vessel's log.
4. Customs house passport.

NOTE.—Vessels which are subject to tonnage measurement should carry the regulation certificate of measurement.

157. The ship's title deed, or a legally certified copy of it, and the patent for sailing under the Russian flag, should always be carried by a vessel, so long as she is in the possession of a Russian subject. The customs house passport is issued with regard to the rules laid down in the Customs Regulations.

*158. The keeping of the ship's log in the Russian language is obligatory on board merchant vessels.

Supplement, 1909.

Obligatory Marks on Hull.

*98¹. On the side of each merchant vessel at a point half-way along its length, there should be marked:—

- (1) A line denoting the position of the upper watertight deck.
- (2) A disc with a horizontal line drawn through its centre. The centre of this disc determines the water-line at maximum load in salt water. The vessel may be loaded only to the water-line as shown.

NOTE.—The Minister of Trade and Industry is empowered to determine the dates within which the placing of the marks laid down by this (98¹) Article on the vessel's side should be carried out, as regards the different types of vessels; thus: classification, method of navigation, motive power, and the like.

- Article 175. Masters must be Russian subjects.
Article 182. Non-qualified masters of coasting sailing vessels.
Article 183. Obligatory numbers of mates.
Article 195¹. Numbers of assistant engineers on board vessels of different grades.
Article 196¹. Engineers must be Russian subjects.

33992

No. 475.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by 1748 in Dominions No. 51.]

Sir,

Downing Street, 1 December, 1913.

With reference to previous correspondence respecting the proposed arrangement for empowering His Majesty's Government to terminate, if so desired, the application to the self-governing Dominions of the Treaty of Commerce and Navigation with Russia of the 12th January, 1859, I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Board of Trade, copy of a correspondence* with the Foreign Office relative to the contemplated submission to the Law Officers of the Crown of the question raised by the contention of the Russian Government that, if the Treaty should cease to apply to a self-governing Dominion, "vessels of the said Dominion" would cease to be entitled to the benefits conferred by the Treaty on British vessels generally.

I am, &c.,
H. W. JUST.

* Nos. 457 and 474.

33994

No. 476.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 5 December, 1913. L.F.]

[Answered by No. 480.]

Sir,

Downing Street, 4 December, 1913.

With reference to the letter from this Office of the 3rd of November,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, the accompanying copy of a letter† from the Board of Trade, on the subject of the proposal that the Governments of the self-governing Dominions should be invited to send representatives to the next International Conference on the unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens.

2. Subject to any observations which Sir E. Grey has to offer, Mr. Harcourt proposes to communicate at an early date to the Governors-General and Governors of the self-governing Dominions copies of the draft Conventions and the memorandum, and to add that if any of the Governments should desire to be invited to send a representative to the Conference, His Majesty's Government will communicate their wish to the Belgian Government and will endeavour to obtain an invitation.

I am, &c.,
H. W. JUST.

33992

No. 477.

COLONIAL OFFICE to FOREIGN OFFICE AND BOARD OF TRADE.

Sir,

Downing Street, 4 December, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir E. Grey] [the Board of Trade], the accompanying copy of a memorandum‡ which has been prepared in this Department, and to request that it may be regarded as an addendum to the memorandum enclosed in the letter from this Department of the 1st instant§ relative to the question raised by the contention of the Russian Government that should the Treaty of the 12th January, 1859, cease to apply to a self-governing Dominion, "vessels of the said Dominion" would cease to be entitled to the benefits conferred by the Treaty on British ships generally.

I am, &c.,
H. W. JUST.

42280

No. 478.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 9th December, 1913.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.,

Sir,

8th December, 1913.

I AM directed by the Board of Trade to transmit to you, herewith, for such action as Mr. Secretary Harcourt may desire to take in the matter, a letter which has been received from Messrs. J. E. Evans-Jackson and Company, stating that they are informed that trade marks the property of Canadian proprietors cannot be registered in Denmark or Sweden, in the absence of any agreement between Canada and those countries for the mutual protection of trade marks.

In this connexion the attention of the Board has been directed to certain treaty stipulations which appear to have some bearing on the matter, especially having regard to the opinion of the Law Officers of April 4th, 1911,|| respecting the rights of British subjects generally under commercial treaties.

* L.F. transmitting copies of Nos. 463 and 464.

† No. 470.

‡ See the final passage "Some light . . . Contracting States generally" in the Enclosure in No. 474.

§ No. [474] [475].

|| No. 137 in Vol. VII. of Law Officers' Opinions.

As regards Denmark a declaration was signed in 1879 between (as it is expressed in the Preamble) "The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the King of Denmark, with a view to the reciprocal protection of trade marks in the two countries" whilst the declaration proper provides that "the subjects of each of the Contracting Parties shall have in the Dominions and Possessions of the other" national treatment and most-favoured-nation treatment in everything relating to property in trade marks. The Board feel some doubt whether, having regard to the wording of the preamble, the Declaration in question can be held to confer rights on Canadian owners of trade marks.

Full and general most-favoured-nation treatment is also accorded to His Majesty's subjects in Denmark by Article XXIV. of the Treaty of 1660-1 and Article XL. of the Treaty of 1670 between this country and Denmark.

As regards Sweden, no special agreement exists with that country respecting trade marks. General most-favoured-nation treatment in Sweden is, however, accorded to British subjects under Article IV. of the Anglo-Swedish Treaty of 1661 and Article II. of that of 1766.

It is suggested that Mr. Harcourt may think well to communicate with the Foreign Office with regard to the bearing of these treaty provisions on the question at issue, and that he may perhaps also be good enough to cause a reply to be sent in due course direct to Messrs. Evans-Jackson and Company, who have been informed that their letter has been referred to your Department.

The Board would, in any case, be glad to be kept informed as to any action which may be taken in the matter.

I have, &c.,
GEO. J. STANLEY.

Enclosure in No. 478.

Bath House, 57 to 60, Holborn Viaduct, London, E.C.,

DEAR SIR,

20th November, 1913.

We have recently been instructed to apply on behalf of a Canadian client for the registration of certain trade marks in Denmark and in Sweden.

In both cases we are informed that trade marks the property of Canadian proprietors cannot be registered in either of these countries in view of the fact that no agreement between the said countries and Canada for the mutual protection of trade marks has been entered into.

We shall be greatly obliged if you will take this matter up with the Colonial Office with a view to some remedy being effected, or if you prefer it, we will, of course, communicate ourselves with the Colonial Office.

Our object in communicating with you is that we feel that you would have greater weight with the proper officials, and, as you will see, it is a matter of extreme importance.

Yours faithfully,
J. E. EVANS-JACKSON AND COMPANY.

G. J. Stanley, Esq.,
Board of Trade.

42573

No. 479.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th December, 1913.)

[Answered by No. 491]

SIR,

Foreign Office, December 9, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 35496/13, of the 5th ultimo,* respecting the exclusion of all matters relating to trade marks, &c., from the scope of the Anglo-Japanese Treaty of April 3rd, 1911.

In the Japanese draft of this Treaty no article was included relating to trade marks, but in the British counter-draft it figured as Article 24, and ran as follows:—

* No. 463.

"The subjects of each of the High Contracting Parties shall have the same rights as native subjects in regard to patents for inventions, trade marks, trade names, hong marks and designs (and generally as regards protection from dishonest competition) upon the fulfilment of such formalities as are prescribed by law." The words in brackets were added subsequently.

The negotiations for the Treaty were carried on in London between Sir H. Llewellyn Smith and Monsieur Kato, the Japanese Ambassador.

On the 27th January, 1911, an informal discussion took place between the two negotiators, at which Monsieur Kato stated that his Government were very much opposed to Article 24 of the British counter-draft.

In a memorandum on the points arising out of this informal discussion drawn up by Sir H. Llewellyn Smith, and submitted by him to Monsieur Kato, he stated, "In view of the strong wish expressed by the Japanese Government for the omission of this article, we can agree to its withdrawal if a statement can be made at our formal conference that there is no intention on the part of the Japanese Government to cease to be a party to the Industrial Property Convention."

On February 16th Monsieur Kato informed Sir H. Llewellyn Smith, with regard to the omission of the draft Article 24, that he was authorised to agree to a statement being made at the Conference that: "In case either Government wishes to go out of the Industrial Property Convention, it will be prepared to negotiate with the other a separate agreement for the mutual protection of industrial property."

Sir E. Grey has been in communication with the Board of Trade on the subject of Sir C. Greene's despatch, No. 251, of September 18th, which was enclosed in my letter of the 13th October.*

In Sir E. Grey's opinion, and in that of the Board (copy of Board of Trade letter is enclosed), it would seem undesirable to press the claim advanced by Mr. Crowe in his letters to Monsieur Sakata, the more so in view of the fact that under the new arrangement with the Japanese Government Colonial British subjects will be able to obtain the registration of their marks on producing a certificate stating that they have the "full and perfect status of British subjects."

I am, &c.,
W. LANGLEY.

Enclosure in No. 479.

Board of Trade (Commercial Department), Gwydyr House,

SIR,

Whitehall, London, S.W., 6th November, 1913.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of October 13th, transmitting copy of a despatch from His Majesty's Ambassador at Tokio, with enclosure, relative to the treaty rights of British subjects in Japan in regard to patents, trade marks, &c.

The Board consider that the question how far the general most-favoured-nation rights accorded by the Anglo-Japanese Treaty in respect of commerce could be held on a strict interpretation of the Treaty to include the right to share in the treatment guaranteed to American subjects in regard to patents and trade marks by the American Japanese Treaty is one of considerable difficulty, and, especially in view of the action taken when the Anglo-Japanese Treaty was under negotiation, they are disposed to doubt the expediency of pressing such a claim.

As regards the position in this respect of registered companies in Colonies and Dominions which may have adhered to the Anglo-Japanese Treaty, but are not parties to the Industrial Property Convention, I am to refer to the letter addressed to you from this Department on December 19th, 1911, in which the opinion was expressed that companies registered in Hong Kong (which is not a party to the Industrial Property Convention) might not necessarily acquire the right to register their trade marks in Japan were Hong Kong to adhere to the Anglo-Japanese Treaty.

I have, &c.,
GEO. J. STANLEY.

The Under-Secretary of State,
Foreign Office.

* No. 461.

42646

No. 480.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11th December, 1913.)

[Answered by L.F. transmitting copy of No. 483.]

SIR,

Foreign Office, 10th December, 1913.

WITH reference to your letter, No. 39694/1913, of the 4th instant,* I am directed by Secretary Sir E. Grey to inform you that he concurs in the terms of Mr. Secretary Harcourt's proposed communication to the Governors-General and Governors of the self-governing Dominions, on the subject of the International Conference on the unification of maritime law with regard to the limitation of ship-owners' liability and maritime mortgages and liens.

I am, &c.,
A. LAW.

39677

No. 481.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 485.]

SIR,

Downing Street, 10 December, 1913.

WITH reference to the letter from this Office of the 4th November,† and to the second paragraph of your letter to the Foreign Office of the same date regarding the Argentine Treaty, a copy of which has been forwarded to this Department, I am directed by Mr. Secretary Harcourt to request you to inform the Board of Trade that he has had under his consideration the question of the proviso to Article 21 of the model draft Commercial Treaty.

2. It appears to Mr. Harcourt that, in view of the fact that, not only in the case of the Argentine, but also in other cases, the terms of this proviso have caused difficulty in negotiating the proposed treaty, it would be desirable that in future negotiations the clause should not be put forward, and, on learning that the Board concur in this proposal, Mr. Harcourt would propose to inform the self-governing Dominions that the clause will be withdrawn in future commercial negotiations.

3. A copy of this letter is being forwarded to the Foreign Office.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

39677

No. 482.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 10 December, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th November,‡ on the subject of the proposed new Commercial Treaty between this country and the Argentine, and to request that Secretary Sir Edward Grey may be informed that Mr. Harcourt concurs in the terms of the despatch which Sir E. Grey proposes to address to His Majesty's Minister at Buenos Aires on this subject.

2. At the same time Mr. Harcourt would suggest that Sir R. Tower should be asked, in communicating the purport of paragraphs 1-5 of the letter from the Board of Trade to the Argentine Government, to substitute for the words "according to His Majesty's Dominions the right to withdraw from the existing Treaty," and "as it contains no provision for either the separate adhesion or withdrawal of the Dominions" in paragraph 2, the phrases "enabling His Majesty's Government to terminate the Treaty separately in respect of certain portions of His Majesty's Dominions," and "as this expression covers the British self-governing Dominions," respectively.

* No. 476.

† L.F. transmitting copy of No. 467.

‡ No. 469.

3. With reference to the second paragraph of the letter from the Board of Trade, I am to enclose copy of a letter* to the Board of Trade suggesting that the last paragraph of Article 21 of the model draft Treaty might well be withdrawn in future commercial negotiations.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

42852

No. 483.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13 December, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Tokio, No. 306 (Confidential), dated November 14th, 1913, respecting Japanese immigration laws and disabilities imposed on foreigners trading in Japan (extra copies for transmission to Canada).

Reference to previous letter: Colonial Office, September 11, 1913 (31397).†

Foreign Office,
December 12, 1913.

Enclosure in No. 483.

(No. 306. Confidential.)

Tokio, November 14th, 1913.

SIR,

IN reply to your despatch, No. 118, of the 23rd of September last, with reference to the Japanese Immigration Laws and the disabilities imposed on foreigners trading in Japan, I have the honour to transmit herewith, for the information of the Canadian Government, a memorandum drawn up by Mr. G. B. Sanson, Assistant in the Japanese Secretariat of this Embassy, which embodies all the information at my disposal on the subject. The Under-Secretary of State for External Affairs at Ottawa asks for triplicate copies of legislative enactments and executive regulations; but, as all such documents in Japan are printed, not in English, but in the Chinese character, and are thus unintelligible to the world at large, a memorandum appears to me the most convenient form in which to embody the information desired.

Laws dealing specifically with immigration do not exist, and, though the statement in Mr. Pope's despatch of the 28th of August last to the Governor-General's Secretary at Ottawa that the authorities have taken steps to stop any influx into Japan of Chinese labour is correct, it was not to legislative measures that the Japanese authorities had recourse to accomplish this, but to the Sinico-Japanese Treaty of Commerce and Navigation of 1896, a document which, while securing to Japanese in the Treaty ports of China the same privileges as those enjoyed by the subjects of other Powers, is silent on the point of the rights of the Chinese in Japan.

The incident which led to this restrictive action on the part of Japan is of sufficient interest to merit brief notice.

In 1906-7, Messrs. Nickel and Company, owners of a ship-repairing yard at Kobe, imported twenty-five or thirty trained Chinese mechanics for use in the firm's machine shop. The wages these men received were about fifty sen per head higher than those paid to the Japanese hands; but the Chinese were additional, and their advent did not result in the discharge of any of the native staff. Furthermore, to prevent trouble between the two nationalities the newcomers were lodged apart in barracks. Thus there was no ground for objection on the part of the Japanese that they were being ousted by the others, nor was any complaint received of misconduct on the part of the Chinese. Nevertheless, the firm was very soon informed that it could not be allowed to employ Chinese labour in Japan. Some correspondence

* No. 481.

† L.F. transmitting copy of No. 451A.

ensued, in the course of which Messrs. Nickel and Company pointed out that Chinamen were working at other trades in Kobe, but to this the authorities replied that these men had been so long in the place that they had become practically an institution and could not be disturbed. Eventually the police threatened to arrest the firm's Chinese employes unless they were repatriated. His Majesty's Consul was thereupon applied to for advice; and he is reported to have said that the Japanese authorities were acting within the letter of the Sinico-Japanese Treaty of Commerce and Navigation of 1896. The men were accordingly repatriated at the firm's expense.

Mr. Pope's remarks on the subject of the holding of land by foreigners are also correct. Absolute ownership outside the narrow limits of the old settlements in the Treaty ports is a right as yet denied to aliens, and, although a law having for its ostensible object the removal of this restriction has been drawn up and promulgated, it has not yet been put into force, and, in any case, the privileges it professes to confer are so hedged about with conditions and limitations as to be almost valueless.

I am not aware of the existence of any laws or regulations categorically excluding aliens from participation in the fishing industry. In fact, in the port of Nagasaki certain British residents are actually interested in two trawling companies; but it must be added that these concerns are registered as Japanese and almost certainly employ Japanese labour exclusively. Verbal enquiry made of the Department of Agriculture and Commerce on the subject of alien participation in the fishing industry in this country has elicited a very guarded reply, and I have little doubt that, if any attempt were made openly by foreigners to compete in this field with the Japanese, such difficulties and obstructions would quickly be encountered as would doom it to failure.

I shall be very happy to furnish the Canadian Government at any time with any further information on this subject which may happen to be at my disposal.

I have, &c.,

CONYNGHAM GREENE.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

&c., &c., &c.

MEMORANDUM ON THE STATUS OF FOREIGN SUBJECTS IN JAPAN.

By Article 2 of the Civil Code of Japan:

"Foreigners enjoy private rights with the exception of those forbidden by laws and ordinances or treaties.

The important private rights withheld from foreigners are as follows:—

- (1) Foreigners cannot own land as private individuals.
- (2) Foreigners cannot acquire shares in the Bank of Japan, the Yokohama Specie Bank, the Nippon Yusen Kwaisha, and the various Agricultural and Industrial Banks.
- (3) Foreigners cannot be members or brokers of exchanges.
- (4) Foreigners cannot become public officials.
- (5) Foreigners cannot become barristers or notaries.
- (6) Foreigners cannot own mines or carry on placer mining.
- (7) Foreigners cannot own Japanese ships or be directors of shipping companies.
- (8) Foreigners cannot engage in the coasting trade.
- (9) Foreigners cannot engage in the emigration business either as individuals or shareholders.
- (10) Foreigners who are labourers cannot, without permission of the executive authority, work or reside outside the limits of the former foreign settlements or mixed residence zones.

The legislation governing the disabilities enumerated above is as follows:—

(1) *Ownership of land*.—Paragraph 11 of Government Ordinance 18, of 1873, enacted that—

"It is forbidden to receive or borrow money by the sale, pledge or mortgage of land or title deeds to foreigners."

Foreign subjects can, however, enjoy those rights of "perpetual lease" granted by treaty in respect of certain lots of land in the "open ports." These leases are limited in number, and no new leases are granted. The perpetual lease is subject to purchase or gift as in the case of ownership; when acquired by a Japanese subject it is extinguished and becomes ownership. Other rights in land which foreigners enjoy are *superficies* and *emphyteusis*.

Superficies is defined by the Civil Code (Article 265) as—

"The right of using the land of another person for the purpose of owning thereon structures or trees or bamboos."

With regard to duration of a *superficies*, the act of creation can fix it for any period without restriction.

Emphyteusis is defined by the Civil Code (Article 270) as—

"The right, in consideration of a rent, of carrying on agriculture or stock farming on the land of another person."

The duration of an *emphyteusis* is not less than 20 and not more than 50 years.

While individual foreigners cannot own land, there is nothing to prevent a juridical association formed, though entirely of foreigners, under Japanese law from owning land.

A law which has passed the Imperial Diet provides for the ownership of land by foreigners under certain conditions, not particularly generous, but as it has not yet received Imperial sanction, it is not in operation, nor will it come into operation until it has been presented for, and has received, such sanction.

(7) The Japanese Merchant Shipping Law provides that the following vessels are Japanese vessels:—

- (1) Ships belonging to Government departments and public offices of Japan.
- (2) Ships owned by Japanese subjects.
- (3) Ships owned by commercial companies having their head office in Japan, where, in the case of an ordinary partnership, all the partners are Japanese subjects; in the case of a limited partnership or a joint stock limited company, all the members with unlimited liability are Japanese subjects; and, in the case of a joint stock company, all the directors are Japanese subjects.

(6) *Mining*.—The Mining Law (Law 45, of 1905), Article 5, states—

"Mining rights cannot be held by persons other than Japanese subjects or juridical persons formed under Japanese Law."

Article 2 provides that placer mining does not constitute mining within the provisions of this enactment, but the law of placer mining makes Article 5 above applicable.

(9) *Emigration*.—The Emigrant's Protection Law (Law 70, of Meiji 29 amended) has the following provisions:—

Article 5.—What is called in this Act an emigration agent is a person who, under whatever style or title, makes a business of collecting emigrants or arranging their passages.

Article 6.—A person who wishes to become an emigration agent must obtain the consent of the competent State Department.

Article 7.—No person or persons can become emigration agents unless they are either Japanese subjects or commercial companies whose partners or shareholders are all Japanese subjects, and which have their principal place of business within the Empire.

(3) *Exchanges*.—The Law of Exchanges, Article 11, (1893), provides that—

"A person who is not a Japanese subject cannot become a member, shareholder, or broker of an exchange."

By Law 58 of 1899 the word "Shareholder" is excised from the above Article.

(8) *Coasting trade*.—Shipping Law, Article 3:—

"Ships other than Japanese ships cannot enter unopened ports, nor can they carry cargo or passengers between Japanese ports, except where there is some special provision of law or treaty, or in order to avoid danger at sea or capture, or where the permission of the competent Minister of State has been obtained."

Fisheries.—There appears to be no legislation specifically aimed at foreigners with regard to fisheries. The difficulties referred to would no doubt arise in the case of coastal fisheries, through conflict with native fishermen's guilds, &c., and in the matter of grants from the Nōshomushō. With regard to deep-sea fishery, the three-mile limit might cause trouble if the ships were not registered as Japanese ships.

Labour.—Imperial Ordinance, No. 352, of Meiji 32 (1899):—

"Foreigners, though not possessing freedom of residence by treaty or custom, may reside, change residence, carry on their business, and perform other acts, outside the former settlements and mixed residence quarters, except that in the case of labourers they shall not reside or carry on their work outside the former settlements and mixed residence quarters without special sanction from an Administrative authority."

"The sorts of labourers, and the regulations for the enforcement of this Law, should be determined by the Minister for Home Affairs."

"Ordinance 137, of Meiji 27, is hereby abolished."

Note.—Ordinance 137 referred to *Chinese* residents in Japan. The Regulations under the above enactment were promulgated by a Departmental Order of the Home Office, July 27th, Meiji 32, as follows:—

- (1) The Administrative authority referred to should be the Prefect.
- (2) The term "Labourer" means persons engaged in labour in connection with agriculture, fisheries, mining, building, manufactures, transport, draught of wheeled vehicles, stevedoring, and other miscellaneous occupations, but it does not include those in domestic employment or those engaged in cooking or waiting.
- (3) Permits granted to labourers may be cancelled by a Prefect or Governor when he considers it necessary to do so for the public advantage.

39694

No. 484.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 16 December, 1913. L.F.]

SIR,

Downing Street, 13 December, 1913.

IN continuation of the letter from this Department of the 4th December,* I am directed by Mr. Secretary Harcourt to inform you that he has further considered the "Colonial clauses" in the draft International Conventions for the unification of maritime law with regard to limitation of shipowners' liability and maritime mortgages and liens.

2. As was pointed out in the Colonial Office letter to the Board of Trade of the 31st October,† a copy of which was sent to the Foreign Office on the 3rd November,‡ Mr. Harcourt considers that it would be desirable to secure the same right of separate accession and denunciation in respect of all parts of the Empire as was secured in the case of the International Conventions respecting collisions and assistance and salvage at sea. It is also, in his opinion, important that those Colonies which have any considerable local shipping should be consulted in the matter, and he, therefore, proposes, with Secretary Sir E. Grey's concurrence, to forward the draft Conventions to such Colonies, and to enquire whether they wish to adhere or not.

3. I am to point out that in the case of some of the West Indian Colonies it would appear likely that a large proportion of the small local shipping will belong to non-contracting countries, such as Venezuela.

The question of the separate treatment of the shipping of non-contracting Powers, as regards which Mr. Harcourt observes that the draft Conventions contain the necessary reservations, may, therefore, be one of considerable importance to these Colonies, and will have to be duly examined before Imperial legislation to carry the Conventions into effect is submitted to Parliament, if such legislation is to apply to the Colonies.

I am, &c.,
H. W. JUST.

* No. 476.

† No. 466.

‡ L.F.

43391

No. 485.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 18 December, 1913.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall, London, S.W.

SIR,

17th December, 1913.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of December 10th (39677),* relative to the second of the two paragraphs of Article 21 of the draft model Treaty of Commerce and Navigation, and in reply to state that they concur with Mr. Harcourt in thinking that it would be well for His Majesty's Government to abstain from proposing the inclusion of the paragraph in question in any future treaties which they may negotiate.

I have, &c.,
GEO. J. STANLEY.

43534

No. 486.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 a.m., 19th December, 1913.)

TELEGRAM.

[Answered 2nd January, 1914, by 44877 in *Dominions* No. 51.]

Your telegram of 8th July,† Commercial Treaty, Government of Portugal. Government of Canada requests that His Majesty's Government will secure a clause in proposed Treaty under which Canada will be enabled to adhere thereto and also withdraw therefrom after due notice. Government of Canada also anxious to obtain advantages of the Portuguese Conventional Tariff on cod and other fish exported from Canada. Codfish is a large product of Canada and her chief competitor is Norway, which enjoys the Portuguese Conventional Tariff.—ARTHUR.

43892

No. 487.

MESSRS. J. E. EVANS-JACKSON AND COMPANY to COLONIAL OFFICE.

(Received 22 December, 1913.)

[Copy to Board of Trade, 6 January, 1914. L.F.]

Bath House, 57 to 60, Holborn Viaduct, London, E.C.

SIR,

19th December, 1913.

WE beg to acknowledge the receipt of your letter of the 18th instant,‡ relating to the registration of trade marks the property of Canadian proprietors in Denmark and Sweden.

We note that Mr. Harcourt would like to have full particulars of the incidents referred to in the second paragraph of our letter of the 20th ultimo.§

The paragraph in question related to an application to register a trade mark the property of the United Drug Company, Limited, a corporation duly organised under the laws of the Dominion of Canada, and carrying on business at Lake Street, Toronto.

In the case of Denmark, we instructed Messrs. Hofman-Bang and Boutard, Patent Solicitors, of Copenhagen, to obtain registration for the trade mark in question, and we forwarded to them a power of attorney signed by the applicants, together with a certificate issued by the Deputy of the Minister of Agriculture in Canada, showing that the trade mark in question was duly registered in Canada.

We, however, received a letter from our agents above named, dated the 17th November, which letter we enclose, and from which you will see that the Registrar in Denmark refused to proceed with the application, on the ground that there is still no Convention between Canada and Denmark.

* No. 481.

† No. 427.

‡ 42280: not printed.

§ Enclosure in No. 478.

So far as relates to Sweden, the application was made through our agents, Messrs. K. Y. Zacco and E. H. Bruhn, of Stockholm, and was for the same trade mark, and in the name of the same applicants, viz., The United Drug Company, Limited, of Toronto.

We enclose you herewith a letter from this firm dated the 17th ultimo, in which they state that the order cannot be effected, for the reason that trade marks cannot be registered in Sweden for citizens of a country having no agreement with Sweden for the mutual protection of trade marks. In both cases, you will see, the documents to enable the registration to be effected have been returned to us.

At the time we wrote to the Board of Trade we communicated with one of the leading firms of patent agents in Toronto, viz., Messrs. Ridout and Maybee, and pointed out to them the difficulty that existed, and we received a letter from the firm in question dated the 1st instant, which we enclose herewith.

If there is any other information, or further particulars which the Secretary of State would like to have, we shall be very glad to place the same at your disposal. All the original documents, duly legalised, are in our possession, and, should they be desired, we shall be glad to hand them to you.

We remain, &c.,
J. E. EVANS-JACKSON AND COMPANY.

Enclosure 1 in No. 487.

Hofman-Bang and Boutard,
Chr. IXs Gade 6, Copenhagen, Denmark, November 17th, 1913.

Re Trade Mark application United Drug Company, Limited, Denmark.

DEAR SIR,

Upon executing the filing papers for the above application we remarked that the applicant is a Canadian firm.

The Registrar has informed us that there is still no Convention between Canada and Denmark with regard to the registration of trade marks, wherefore this application cannot be accepted.

We return the documents and blocks sent and remain,

Yours faithfully,

HOFMAN-BANG AND BOUTARD.

Messrs. J. E. Evans-Jackson and Company,
London.

Enclosure 2 in No. 487.

Aktiebolaget Stockholms Patentbyrå,
Vasagatan 7, Stockholm, 17th November, 1913.

United Drug Company, Limited; Trade Mark.

DEAR SIR,

Your favour of 11th instant, with enclosures as advised, duly received.

However, we cannot effect this order, for the reason that trade marks cannot be registered in Sweden for a country having made no agreement with Sweden for mutual protection of trade marks. For this reason we return to-day, under separate cover, the documents sent.

Yours very truly,

AKTIEBOLAGET STOCKHOLMS PATENTBYRÅ.

Messrs. J. E. Evans-Jackson and Company,
London.

Enclosure 3 in No. 487.

Ridout and Maybee,
59, Yonge Street, Toronto, Canada,

December 1st, 1913.

GENTLEMEN,

We are in receipt of yours of the 20th instant [? November], advising us of the situation in respect to the registration in Denmark and Sweden of trade marks used by

Canadians. Canada, of course, is not a member of the Convention relating to industrial property, and there does not seem to be any immediate prospect of her joining. The importation section of our Patent Act stands in the way. We have been endeavouring for a long time to secure Canada's adherence to the Convention, but the inertia of the powers that be has been too great to be readily overcome. There might be prospects of getting a special treaty with the countries in question, and we will take the matter up with the authorities and with some of the members of the House.

Yours truly,
RIDOUT AND MAYBEE.

Messrs. J. E. Evans-Jackson and Company,
Bath House, 57-60, Holborn Viaduct,
London, E.C., England.

42646

No. 483.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office and Board of Trade, 23 December, 1913. L.F.]

(Canada. No. 939.)	(Union of South Africa. No. 570.)
(Australia. No. 773.)	(Newfoundland. No. 354.)
(New Zealand. No. 497.)	

[SIR,]

Downing Street, 19 December, 1913.

[MY LORD,]

With reference to my despatch [No. 108, of the 12th of February, 1913,*] [(No. 42) (No. 25) (No. 43) (No. 13), of the 26th of January, 1911,†] and subsequent correspondence, I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that the draft International Conventions for the unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens were considered by a Sub-Commission of the International Conference at Brussels in March to April last.

2. As a result of the proceedings of this Sub-Commission the text of the Conventions has been further revised, and will be brought up for consideration at another International Conference, which will probably meet next year.

3. I enclose four copies of the draft Conventions‡ with an English translation‡ and a memorandum‡ which has been circulated to the various associations in this country whose interests are affected by the Conventions, calling their attention to the principal alterations made by the Sub-Commission.

4. I shall be glad to learn at the early convenience of your Ministers whether they concur in the provisions of the draft Conventions or whether they desire to suggest any alterations. In this connection I invite special attention to Article 19 of the Limitation of Shipowners' Liability Convention, and Article 18 of the Maritime Mortgages and Liens Convention, which deal with the application of the Conventions to Colonies, Possessions, or Protectorates of Contracting States. These Articles were provisionally inserted at the strongly expressed desire of the German Government. In the opinion of His Majesty's Government it will, in any event, be desirable to secure the same rights of separate accession and termination in respect of all parts of the Empire as was secured in the case of the International Conventions respecting collisions and assistance and salvage at sea.

5. I have to add that, if your Government desire to be invited to send a representative to the International Conference, His Majesty's Government will communicate their wish to the Belgian Government, and will endeavour to secure that an invitation shall be issued.

I have, &c.,
L. HARCOURT.

* 4234: not printed.

† 1702: not printed.

‡ Not reprinted: see 36197.

43534

No. 489.

COLONIAL OFFICE to BOARD OF TRADE and FOREIGN OFFICE.

[Answered by 302 and 44877: not printed.]

SIR, Downing Street, 20 December, 1913.
 WITH reference to the letter from this Office of the 10th of July last* and subsequent correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Board of Trade] [Secretary Sir Edward Grey], the accompanying copy of a telegram† from the Governor-General of the Dominion of Canada, on the subject of the proposed Commercial Treaty with Portugal.

2. Mr. Harcourt will be glad to learn what reply should, in the opinion of [the Board of Trade] [Sir E. Grey], be returned to the Governor-General's telegram.

3. A similar letter has been addressed to [the Foreign Office] [the Board of Trade].

I am, &c.,
 H. W. JUST.

44035

No. 490.

MESSRS. J. E. EVANS-JACKSON AND COMPANY to COLONIAL OFFICE.

(Received 23 December, 1913.)

[Copy to Board of Trade, 6 January, 1914. L.F.]

SIR, Bath House, 57-60, Holborn Viaduct, London, E.C.,
 22nd December, 1913.
 IN further reference to our letter of the 19th instant,‡ we enclose you a further communication received from our agents in Toronto, from which you will see that the matter under correspondence is receiving the attention of the authorities in Canada.

Yours obediently,
 J. E. EVANS-JACKSON AND COMPANY.

Enclosure in No. 490.

Ridout and Maybee,
 59, Yonge Street, Toronto, Canada,
 December 11th, 1913.

GENTLEMEN,
 We are just in receipt of a letter from the Deputy Minister of Agriculture, stating that the question of making arrangements to have Canadians granted the privilege of registering trade marks in Sweden and Denmark is now under consideration by the Department. There is some prospect, therefore, that something will be done in the matter.

Yours truly,
 RIDOUT AND MAYBEE.

Messrs. J. E. Evans-Jackson and Company,
 Bath House, 57-60, Holborn Viaduct,
 London, E.C., England.

* No. [429] [430].

† No. 486.

‡ No. 487.

42573

No. 491.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 170 in Dominions No. 51.]

SIR, Downing Street, 24 December, 1913.
 I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 9th December,* regarding the exclusion of all matters relating to trade marks, &c., from the scope of the Anglo-Japanese Treaty of April 3rd, 1911.

2. In view of the fact that the matter has no practical importance, Japan having admitted the right of Colonial British subjects to obtain the registration of their trade-marks on the production of a certificate stating that they have the full and perfect status of British subjects, Mr. Harcourt concurs in the opinion of Secretary Sir E. Grey that it is not necessary further to discuss the question with the Japanese Government.

3. It will, however, be necessary to explain the position to the Canadian Government, and I am to enclose a draft of a despatch† which, with the concurrence of Sir E. Grey, Mr. Harcourt proposes to address to the Governor-General with regard to this question.

I am, &c.,
 H. W. JUST.

42852

No. 492.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 24 December, 1913.
 WITH reference to Sir C. Fitzpatrick's Confidential despatch of the 29th August,‡ I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a despatch§ from His Majesty's Ambassador at Tokio, furnishing information respecting the Japanese immigration laws and the disabilities imposed on foreigners trading in Japan.

I have, &c.,
 L. HARCOURT.

(b.) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

[See also Section 3: International Exhibitions.]

21048

No. 493.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received July 8, 1912.)

[Copy to Foreign Office, July 18, 1912. L.F.]

(No. 96.)

SIR, Governor-General's Office, Melbourne, 31st May, 1912.
 WITH reference to your despatch, No. 109, of the 6th March last,|| relative to the Convention for the gradual suppression of the abuse of opium, morphine, cocaine, and similar drugs, which was signed at the Hague on the 23rd January last, I have the honour to inform you that as adherence to the Convention would involve legislative and administrative obligations in regard, not only to matters of

* No. 479.

† See 42573 (dated 9th January) in Dominions No. 51.

‡ No. 451A.

§ Enclosure in No. 483.

|| No. 332 in Dominions No. 39.

Federal concern, *e.g.*, the importation, exportation and inter-State transfer of opium, cocaine, &c., but also in an equal degree in regard to the internal manufacture, sale and use of these drugs—matters within the control of the States—reference has been made to the State Governments.

2. The Premiers of the several States have been requested to state whether they desire the Commonwealth to take the necessary steps to signify adherence to the Convention on behalf of the State Governments, and, if so, whether they will favourably consider the question of providing for uniform legislation in regard to the manufacture, sale, and use of opium and related drugs.

I have, &c.,
DENMAN,
Governor-General.

27396

No. 494.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31 August, 1912.)

[Answered by No. 498.]

(No. 544.)

SIR, Governor-General's Office, Pretoria, 12 August, 1912.
I HAVE the honour to transmit to you herewith, with reference to your despatch, No. 105, of the 6th March,* copy of a minute from Ministers, on the subject of the Convention for the suppression of the abuse of opium, morphia, cocaine, and similar drugs.

I have, &c.,
DE VILLIERS,
Acting Governor-General.

Enclosure in No. 494.

(Minute 687.)

10 August, 1912.

With reference to His Excellency the Governor-General's minute, No. 3/905, dated 27th March last, transmitting despatch, No. 105,* from the Right Honourable the Secretary of State for the Colonies, on the subject of the Convention for the suppression of the abuse of opium, morphia, cocaine, and similar drugs, Ministers regret that they are unable to recommend that the Convention be signed on behalf of the Government of the Union, inasmuch as the existing laws in force in the various Provinces of the Union fall short of some very material requirements which are to be enforced under the Convention, and it is impossible to give that guarantee which Article 24 thereof contemplates, to introduce legislation into the Union Parliament remedying the deficiencies.

LOUIS BOTHA.

28982

No. 495.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14 September, 1912.)

[Answered by No. 497.]

SIR, Foreign Office, September 13, 1912.
I AM directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that your letter, 17732, of June 28th last,† relative to the representation of the self-governing Dominions at the recent International Radiotelegraphic Conference has been considered in communication with the General Post Office.

* No. 332 in Dominions No. 39.

† No. 336 in Dominions No. 39.

A copy of a letter from the General Post Office is enclosed, and I am to say that Sir E. Grey concurs generally in the views expressed therein.

As regards the point of diplomatic usage referred to by the General Post Office at the end of the second paragraph of their letter, I am to state that the possibility of the delegates of different parts of the Empire voting against each other in the exercise of their right of separate representation while they nevertheless all hold full powers from His Majesty the King does not, as far as this Department is concerned, constitute any reason why such separate full powers should not be issued, if they are necessary.

As Mr. Harcourt is aware, previous to the recent Radiotelegraphic Conference there are two precedents for the issue of such full powers, viz., in 1907, when full powers were prepared in favour of the two Canadian delegates for the negotiation in Paris and Rome of commercial agreements with the French and Italian Governments respectively.

It is noted, from your letter of June 28th,* that as far as the representation of the self-governing Dominions at international conferences is concerned, Mr. Harcourt would prefer to follow the procedure adopted at the Postal Conference at Rome in 1906. It is, however, essential in this connection to bear in mind that the Radiotelegraphic Convention, unlike the Rome Postal Convention, entails ratification by the respective heads of States and is thus a diplomatic instrument of a more important type, necessitating the observance of all due formalities on the part of the signatories.

I am, &c.,
EYRE A. CROWE.

Enclosure in No. 495.

SIR, General Post Office, London, 3rd September, 1912.

With reference to your letter of the 1st July, forwarding a copy of a letter on the subject of the representation of the self-governing Dominions at the recent International Radiotelegraphic Conference, I am directed by the Postmaster-General to say, for the information of the Secretary of State for Foreign Affairs, that at the late stage in the proceedings of the Conference when that letter was received it was not practicable to give effect to the suggestion of the Colonial Office that an amendment should be made in Article 12 of the Radiotelegraphic Convention if an opportunity were to arise for revision.

As regards the policy of an amendment of the provisions relating to Colonial voting, the Postmaster-General does not understand the Colonial Office to propose that the right of separate representation for the self-governing Dominions and India, which was secured at the Berlin Radiotelegraphic Conference in accordance with the precedent of previous telegraph and postal conventions, should be withdrawn or restricted. If such representation be conceded, it seems necessarily to follow that the vote may be exercised according to the judgment of the Colonial Government, with the result that the votes of the Mother Country and of the Colonial possession may be cast on different sides; but it is not understood that the risk of such divergence of opinion which, although always possible, is not in reality of frequent occurrence, is regarded as a reason for objecting to Colonial representation in itself. The ground of objection appears to be the more formal one that the delegates of different parts of the Empire, although voting against each other in the exercise of their right of separate representation, will nevertheless all hold full powers from His Majesty. This is a point of diplomatic usage on which the Secretary of State for Foreign Affairs is best able to form an opinion; but the Postmaster-General would observe that the delegates who are supposed, *ex hypothesi*, to vote against each other do not in point of fact hold identical powers from His Majesty, the powers issued to the colonial delegates being expressly limited to the Dominions which they respectively represent.

The appointment of plenipotentiaries, as was observed in the Colonial Office letter of the 25th May last, No. 14121/1912,† follows from the terms of Article 11 of the Berlin Radiotelegraphic Convention, which provided, in accordance with the precedent of the International Postal Convention, that the countries taking part

* No. 336 in Dominions No. 39.

† No. 335 in Dominions No. 39.

in a Conference should be represented by plenipotentiaries when proposals for the modification of the Convention as distinct from the Regulations are under consideration. It was considered at Berlin to be desirable to follow in this respect the precedent of the International Postal Convention rather than that of the International Telegraph Convention of St. Petersburg, which has hitherto been regarded as unalterable, so that the periodical conferences in the Telegraph Union only have to deal with proposed modifications in the Regulations. The ground for this decision was that in the case of a progressive science like wireless telegraphy it was thought right to make provision for the possible modification even of some of the principles embodied in the Convention; and the recent Conference emphasized this view by adopting a proposal of the British delegation to the effect that the delegates at future Conferences should have power to modify the Convention as well as the Regulations. A copy of Article 11 of the Convention as revised in this sense is attached, together with a copy of Article 12, showing the voting power of Colonial Possessions as settled under the new Convention.

The Postmaster-General gathers from the reference of the Colonial Office to Article 12 of the Berlin Convention which allots votes to Colonial Possessions, rather than to Article 11 which provides for the appointment of plenipotentiaries, that no objection is entertained to the appointment of plenipotentiaries to represent the Mother Country and that, if a change is to be made, it should take the form of an exception to the effect that delegates who are not plenipotentiaries should represent Colonial Possessions. Such an arrangement, however, would be complicated, and while a distinction of this nature might place the representatives of the United Kingdom in a somewhat invidious position towards their colleagues from the Dominions, it would not, the Postmaster-General thinks, be likely to commend itself to foreign Powers with Colonial Possessions.

I am, &c.,
E. CRABE.

The Under-Secretary of State,
Foreign Office.

CONVENTION RADIOTELEGRAPHIQUE INTERNATIONALE LONDRES, 1912.

Article 11.

Les dispositions de la présente Convention sont complétées par un Règlement qui a la même valeur et entre en vigueur en même temps que la Convention.

Les prescriptions de la présente Convention et du Règlement y relatif peuvent être à toute époque modifiées d'un commun accord par les Hautes Parties contractantes. Des conférences de plenipotentiaries ayant le pouvoir de modifier la Convention et le Règlement auront lieu périodiquement; chaque conférence fixera elle-même le lieu et l'époque de la réunion suivante.

Article 12.

Ces conférences sont composées de délégués des Gouvernements des Pays contractants.

Dans les délibérations, chaque Pays dispose d'une seule voix.

Si un Gouvernement adhère à la Convention pour ses colonies, possessions ou protectorats, les conférences ultérieures peuvent décider que l'ensemble ou une partie de ces colonies, possessions ou protectorats est considéré comme formant un pays pour l'application de l'alinéa précédent. Toutefois le nombre des voix dont dispose un Gouvernement, y compris ses colonies, possessions ou protectorats ne peut dépasser six.

Sont considérés comme formant un seul pays pour l'application du présent article:—

L'Afrique orientale allemande;
l'Afrique allemande du Sud-Ouest;
le Camérout;
le Togo;
les Protectorats allemands du Pacifique;
l'Alaska;
Hawaii et les autres possessions américaines de la Polynésie;

les Iles Philippines;
Porto-Rico et les possessions américaines dans les Antilles;
la Zone du Canal de Panama;
le Congo Belge;
la Colonie espagnole du Golfe de Guinée;
l'Afrique occidentale française;
l'Afrique équatoriale française;
l'Indo-Chine;
Madagascar;
la Tunisie;
l'Union de l'Afrique du Sud;
la Fédération australienne;
le Canada;
les Indes britanniques;
la Nouvelle-Zélande;
l'Erythrée;
la Somalie italienne;
Chosen, Formose, le Sakhalin japonais et le territoire loué de Kwantoung;
les Indes néerlandaises;
la Colonie de Curaçao;
l'Afrique occidentale portugaise;
l'Afrique orientale portugaise et les possessions portugaises asiatiques;
l'Asie centrale russe (littoral de la Mer Caspienne);
Boukhara;
Khiva;
la Sibérie occidentale (littoral de l'Océan glacial);
la Sibérie orientale (littoral de l'Océan Pacifique).

29642

No. 496.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copies to General Post Office, 20 September, and Foreign Office, 2 October, 1912. L.F.]

(Canada. No. 659.)
(Australia. No. 385.)

(Union of South Africa. No. 438.)
(New Zealand. No. 274.)

[Sir] [My Lord],

Downing Street, 20 September, 1912.

I HAVE the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for communication to your Ministers, copies of the International Radiotelegraphic Convention* signed on the 5th of July last.

2. I shall be glad to hear as soon as possible whether your Government desire, in the event of His Majesty's Government ratifying the Convention, they should simultaneously notify the adhesion of [Canada] [the Commonwealth of Australia] [the Union of South Africa] [New Zealand].

I have, &c.,
L. HARCOURT.

28982

No. 497.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 500.]

SIR,

Downing Street, 25 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th of September,† on the subject of the representation of the self-governing Dominions at the recent International Radiotelegraphic Conference.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that Mr. Harcourt is not prepared to take exception to the views of the Postmaster-General on this matter.

* Not reprinted.

† No. 495.

3. I am, however, to observe, with reference to the fourth paragraph of your letter, that it is not correct that two precedents in 1907 exist, as in these cases the Canadian Ministers did not receive full powers on behalf of Canada, but were in the position of representatives of His Majesty's Government (*see* H.C. Return, 129/1910, pages 9 and 10).

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

27396

No. 498.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

[Answered by 1522/14 in Miscellaneous No. 270.]

(No. 442.)

My LORD,

Downing Street, 25 September, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 544, of the 12th of August,* forwarding a minute from your Ministers, in which they express their regret that they are unable to recommend that the International Opium Convention should be signed on behalf of the Government of the Union of South Africa.

2. I do not gather that your Ministers have any objection to the signature of the Convention other than the difficulty of guaranteeing the introduction of legislation to remedy the deficiencies of the existing Provincial laws.

3. I would, therefore, ask that the following observations should be considered. Under Article 23 the Convention will not be ratified unless all the Powers invited have signed the Convention or the Protocol by the 31st of December, 1912, or unless, after that, it is decided that ratification should take place in the absence of some signatures. The Convention will not come into force until three months after the date on which the Netherlands Government has notified the receipt of the last instrument of ratification. If, therefore, the Convention were ratified early in January next, it would not come into force at the earliest until some time in April, 1913.

4. The legislation contemplated by Article 24 is to be prepared within six months following, that is, at the earliest, by some date in October, 1913, and may be submitted to Parliament at the first session after the expiration of the six months.

5. On the assumption that the Convention will come into force at the earliest possible date, of which I have some doubt, your Government would have practically a year from the present date in which to consider and prepare such legislation as may be necessary, and I trust that the state of Parliamentary business would admit of the passing of a Bill on this subject.

6. His Majesty's Government would greatly regret the abstention of any part of His Majesty's Dominions from the Convention, and I earnestly trust that on further consideration your Government will feel able to agree to its signature on behalf of the Union.

I have, &c.,
L. HARCOURT.

30395

No. 499.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27 September, 1912.)

Sir,

Foreign Office, September 26, 1912.

As Mr. Secretary Harcourt is aware, a Conference has recently been held at London for the purpose of revising the International Radiotelegraphic Convention concluded at Berlin November 3rd, 1906. At this Conference a revised Convention,

* No. 494.

Final Protocol, and Service Regulations were signed by the plenipotentiaries of the various contracting States and their Colonies and possessions which took part therein.

In conformity with the provisions of Article 23 of the Convention thus signed on July 5th last, I am now to enclose duly certified copies of the instruments* in question, together with eight extra copies, and to request that, should Mr. Harcourt see no objection, they may be communicated to the Governments of the Australian Commonwealth, Canada, the Union of South Africa, and New Zealand.

I am, &c.,
EYRE A. CROWE.

31052

No. 500.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2 October, 1912.)

SIR,

Foreign Office, October 1, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 25th ultimo (28982),† relative to the representation of the self-governing Dominions at the recent Radiotelegraphic Conference.

With reference to the third paragraph of your letter, I am to explain that full powers under the Royal Sign Manual for the purpose of negotiations with foreign states in all cases authorise the holders to represent the King. The full powers furnished to the Canadian Ministers in 1907 in matters specially affecting Canada were of this nature, as were also those recently issued to the overseas delegates at the Radiotelegraphic Conference. In the latter, as Mr. Secretary Harcourt is aware, the additional words "on behalf of the Dominion of (Canada, &c.)," were inserted in consequence of the suggestions made in paragraph 3 of your letter to this Office of May 25th last.‡

I am, &c.,
EYRE A. CROWE.

30395

No. 501.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Foreign Office, 2 October, 1912. L.F.]

(Canada. No. 679.)

(New Zealand. No. 282.)

(Australia. No. 398.)

(Union of South Africa. No. 456.)

[My LORD] [SIR],

Downing Street, 2 October, 1912.

IN continuation of my despatch No. [659] [385] [274] [438] of the 20th of September,§ I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for communication to your Ministers, the accompanying duly certified copy of the revised International Radio-Telegraphic Convention, Final Protocol, and Service Regulations,* as signed by the Plenipotentiaries of the various contracting States and their Colonies and possessions which took part in the Conference.

I have, &c.,
L. HARCOURT.

31917

No. 502.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10 October, 1912.)

[Answered by No. 503.]

SIR,

Foreign Office, 9 October, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 2nd instant (30395),|| enclosing copies of Circular despatches addressed

* Not reprinted.

† No. 497.

‡ No. 335 in Dominions No. 33.

§ No. 496.

|| L.F. transmitting copy of Nos. 496 and 501.

to the Governments of Canada, Australia, New Zealand, and South Africa, on the subject of the recently concluded International Radio-Telegraphic Convention.

As regards paragraph 2 of the circular despatch of the 20th ultimo,* I am to point out that, having already become parties to the Convention by actual signature, the Dominion Governments do not require to accede thereto.

The British instrument of ratification of the Convention, provided for by Article 23, will in due course be prepared and signed by the King as Sovereign of the United Kingdom and of the British Dominions beyond the seas. Such ratification will include His Majesty's Dominions, subject to any declaration limiting its scope which may be made at the time of the deposit of ratifications.

The enquiry, therefore, which should be made of the Dominion Governments is whether, so far as each is concerned, they assent to His Majesty's ratification of the Convention being deposited at the proper time.

I am, &c.,
EYRE A. CROWE.

31917

No. 503.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 504.]

Sir,

Downing Street, 18 October, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 9th October,† on the subject of the International Radio-Telegraphic Convention.

2. In reply I am to request you to inform Secretary Sir E. Grey that the wording of the despatch addressed to the Governors-General of Canada, the Commonwealth, and the Union of South Africa, and the Governor of New Zealand on the 20th of September* was based on the third paragraph of Article 12 of the Convention, which implies that Colonies, &c., will be dealt with by a notification of adherence by the Government concerned in respect of terms. Having regard to the terms of that paragraph, he would suggest, for Sir E. Grey's consideration, that His Majesty's ratification will bind only the Government of the United Kingdom, and that if it is desired to make the Convention binding on any of the Colonies, &c., a declaration that His Majesty's Government adhere to it in respect of such Colonies, &c., will be necessary.

I am to add that by a clerical error the words "His Majesty's Government ratifying" were used instead of "His Majesty ratifying" in the despatches.

I am, &c.,
H. W. JUST.

33623

No. 504.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25 October, 1912.)

[Answered by No. 505.]

Sir,

Foreign Office, October 24, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 18th instant (31917),‡ on the subject of the International Radio-Telegraphic Convention recently signed at London.

With respect to paragraph 2 of your letter, I am to observe that Article 12 (paragraph 3) of the International Convention provides that in cases where Governments accede to the Convention on behalf of their Colonies, Possessions, or Protectorates, these shall be grouped into "pays" for purposes of voting at the periodical Conferences.

So far as concerns Canada, Australia, South Africa, and New Zealand, the accession to the Convention of these Dominions has already been accomplished by the actual signature of the instrument by plenipotentiaries of His Majesty, empowered

* No. 496.

† No. 502.

‡ No. 503.

thereto by means of full powers which specifically authorised each to sign "subject to His Majesty's approval and ratification." Having thus already become parties to the Convention, these Dominions do not require again to accede, and the only further step necessary on their behalf is the deposit of the King's ratification "approving, accepting, and confirming" the Convention, the terms of which, together with the appended signatures, are embodied "word for word" in such ratification.

I am, &c.,
EYRE A. CROWE.

33623

No. 505.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 507.]

Sir,

Downing Street, 27 November, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 24th October,* on the subject of the International Radio-Telegraphic Convention.

2. Mr. Harcourt notes that Secretary Sir E. Grey remains of the opinion that His Majesty's ratification of the Convention will be sufficient to apply the provisions of the Convention to any self-governing Dominion on whose behalf the Convention was signed without the further formality of a notification of adherence, and he understands that it is the intention, when depositing His Majesty's ratification, to make a Declaration in appropriate terms exempting from the effect of ratification any such Dominion which has not intimated its acceptance of the Convention by the date on which His Majesty's ratification is deposited, and reserving the right to deposit separate ratifications later on in respect of any exempted Dominion which may eventually decide to accept the Convention. Mr. Harcourt assumes that it is intended to treat in the same way the "diverses Colonies et Protectorats Britanniques" on whose behalf the British Plenipotentiaries signed the Convention.

3. He also assumes that, whether the Convention is made applicable to the British Possessions, &c., by deposit of His Majesty's ratification or by notification of adherence, it will be made clear at the time that the Convention may be terminated separately in respect of any such Possession as in the case of the Colonies, &c., of adhering Governments (*vide* Article 16).

4. Before, however, a final decision is taken in the matter, Mr. Harcourt would desire to submit, for Sir E. Grey's consideration, the following further explanation of the grounds on which he considered that a notification of adherence would be necessary to apply the Convention to the British Possessions. Notifications of adherence were necessary to apply the Convention of 1906 to those Possessions. The Convention of 1906 must, therefore, be regarded as having by Article 12 placed the Colonies, &c., of the contracting Powers in the same position as that in which the Colonies, &c., of adhering Powers were placed by Article 5 of the final Protocol. Now the only points of difference in regard to the position of Colonies, &c., between the Convention of 1906 and the Convention of 1912 are (1) that Article 12 of the latter Convention contains a list of the Colonies, &c., which are to be regarded as "countries" for the purpose of that Article; (2) that Article 5 of the final Protocol of 1906 becomes part of Article 16 of the Convention of 1912; and (3) that the 1912 Convention was signed by His Majesty's Plenipotentiaries on behalf of the Dominions to which votes were assigned and on behalf of "diverses Colonies et Protectorats Britanniques."

5. Of these three points of difference, the first two clearly do not affect the question at issue. As regards the third, Mr. Harcourt had not failed to realise that the Convention of 1912 was signed by His Majesty's Plenipotentiaries on behalf of certain British Possessions and Protectorates, but it appeared to him that this fact could not be held to have the effect of dispensing, in the cases of those Possessions and Protectorates, with the necessity for the notifications of adherence which were required under the Convention of 1906. According to his view of the situation what His Majesty's Plenipotentiaries signed was not a Convention which becomes applicable on ratification to the British Possessions and Protectorates on whose behalf

* No. 504.

they signed the Convention, but one which, like the Convention of 1906, contains the equivalent of the usual Colonial Article inserted in international Conventions, that is the equivalent of an Article which provides that the Convention, even if ratified, shall not apply to Colonies, &c., except in pursuance of a notification of adherence, and this view, in Mr. Harcourt's opinion, was supported by the consideration that under Article 12 adherence in respect of a Colony, &c., is a condition to its being able to cast the vote assigned to it at the next Conference. He would further point out that should Newfoundland eventually be free and willing to accept the Convention, a notification of adherence would in that case be necessary, as it would be in the case of any Colony or Protectorate not included in the "diverses Colonies et Protectorats Britanniques" on whose behalf the British Plenipotentiaries signed the Convention.

6. I am to take this opportunity of enclosing, for the information of Sir E. Grey, the accompanying copy of a despatch* from the Governor-General of the Dominion of Canada, conveying the desire of his Government to adhere to the Convention

I am, &c.,
H. W. JUST.

30395

No. 506.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 836.)
(Australia. No. 514.)
(New Zealand. No. 363.)
(Union of South Africa. No. 585.)
(Newfoundland. No. 247.)

[Sir] [My Lord],

Downing Street, 6 December, 1912.

WITH reference to my despatch No. [(879) (398) (282) (456) of the 2nd October last†] [185 of the 19th September last‡], I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of a memorandum§ prepared by the General Post Office on the International Radio-Telegraphic Conference held in June and July last.

I have, &c.,
L. HARCOURT.

7

No. 507.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1 January, 1913.)

Sir,

Foreign Office, December 30, 1912.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 27th ultimo (33623)¶ on the subject of the International Radiotelegraphic Convention signed at London on the 5th July last, and to offer the following observations on the several points raised.

Paragraph 2.—The King's ratification of the Convention in question will not be deposited until the views of all the signatory Dominions have been received. Since the plenipotentiaries of those Dominions took part in the deliberations of the Conference and signed the Convention, it is assumed that their respective Governments will all agree to such ratification. Two of the four (viz., Canada and South Africa) have already signified their concurrence.

As regards the "diverses colonies et Protectorats Britanniques," for which the British Post Office delegates signed, it would certainly be desirable, and indeed necessary (as they are not specifically named in the Convention), that a list should be prepared of those to be covered by His Majesty's ratification, and Sir E. Grey would be glad if Mr. Secretary Harcourt would be good enough to furnish him in due course with such a list.

* 35362 : not printed. † No. 501. ‡ 19225 : not printed. § Not reprinted. ¶ No. 505.

When these steps have been completed, and the concurrence of the various departments of His Majesty's Government obtained, the King's ratification will be ready for deposit, and when this formal act has taken place, a circular will inform the other States parties to the Convention of such deposit, specifying that the ratification covers the United Kingdom, Canada, &c. (giving list), whose delegates signed the Convention.

After such deposit any British Colonies, &c., outside the list (and so not covered by His Majesty's ratification) must, in order to become parties to the Convention, accede in the ordinary way by means of a separate notification.

Paragraph 3.—The terms of Article 16 of the Convention coupled with Article 22 would apparently suffice to meet the case of the desired termination of the Convention in respect of any British Dominion, Colony or possession.

Paragraphs 4 and 5.—The essential difference between the previous Convention of 1906 and the present one as regards the question here raised lies in the fact that the latter was actually signed by plenipotentiaries of the Dominions, &c., who thus pledged themselves, on behalf of their respective Dominions, to the stipulations of the Convention, which was by Article 23 made subject to His Majesty's ratification. Such ratification, embodying the Convention, will, in the customary terms, confirm and ratify "all and singular the things which are contained and expressed therein." The accession of the Dominions being thus completed by His Majesty's ratification of the Convention so signed by them, it is altogether unnecessary, and would be formally incorrect, to repeat it by a further act of accession on their part. Any possible doubt on the point would, moreover, be set at rest by the terms of the circular to the various States announcing His Majesty's ratification, referred to above under paragraph 2.

I am to add that a copy of the correspondence which has passed with your Department on the subject has been communicated to His Majesty's Postmaster-General, who concurs in the views expressed in the preceding paragraphs of this letter.

I am, &c.,
EYRE A. CROWE.

S964

No. 508.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 509.]

Sir,

Downing Street, 8 April, 1913.

I AM directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he has had under his consideration a copy of the report supplied by the Admiralty on the proceedings of the International Conference held at Paris in October last to consider the question of the transmission of weather reports and time signals by wireless telegraphy.

2. Mr. Harcourt presumes that he will in due course be informed of any proposals which may be made by the French Government with a view to carrying out the recommendations made at that Conference.

3. Mr. Harcourt observes from the report of the second sitting on the 24th of October, 1912, that it was recommended that the attention of the various Governments should be drawn to the fact that their Colonies might be considered recognised independent States, and in consequence might adhere to the Commission Internationale de l'Heure in the manner uniformly followed by other international associations with scientific objects, and that it was stated that the general principles adopted by the Radiotelegraphic Conference of June, 1912, would be followed in organising the participation of the Colonies and in defining their rights with regard to voting.

4. In this connection I am to invite the attention of Sir Edward Grey to the correspondence on the question of the representation of the Dominions and voting at international conferences, which terminated with the letter from this Office of the 21st of October, 1912.* In accordance with the views expressed in that correspondence, Mr. Harcourt would deprecate any proposal to adopt as a general model the scheme prescribed by the Radiotelegraphic Convention for the representation of

* No. 77

British possessions and the allocation of voting power, and he considers that every self-governing Dominion or Colony which may join the proposed Commission Internationale de l'Heure should have a separate vote, as is the case under the International Postal Convention.

5. Mr. Harcourt will be glad to learn that Sir Edward Grey concurs in this view.

I am, &c.,
H. W. JUST.

13620

No. 509.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23 April, 1913.)

[Answered by No. 510.]

SIR,

Foreign Office, 22 April, 1913.

WITH reference to your letter of the 8th instant (8964/1913),* respecting the proceedings of the International Conference held at Paris in October last to consider the question of the transmission of weather reports and time-signals by wireless telegraphy, I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that the proposals of the French Government for the creation of a "Commission Internationale de l'Heure" have not yet, so far as this Department is aware, been submitted to the Governments concerned.

Sir E. Grey observes that Mr. Harcourt would deprecate any proposal to adopt as a general model for the "Commission internationale" the scheme prescribed by the Radio-telegraphic Convention of last year for the representation of British possessions, and the allocation of voting power to them. He presumes that he will be furnished in due course with definite proposals on this point for the guidance of the British delegates, when the Conference reassembles to draw up the final statutes.

I am, &c.,
A. LAW.

13808

No. 510.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 511.]

SIR,

Downing Street, 3 May, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 22nd of April and of the 24th of April,† on the subject of the Conference held in Paris in October last to consider the question of the transmission of weather reports and time signals by wireless telegraphy.

2. In reply I am to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copies of despatches‡ which Mr. Harcourt is addressing to the Governors-General and Governors of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, Ceylon, and Hong Kong, inviting the observations of those Governments on the terms of the draft Convention and draft Statutes.

3. Mr. Harcourt will be glad to learn whether it is desired by Secretary Sir Edward Grey that representatives of the Dominions and of the Governments of Ceylon and Hong Kong should be invited to take part in the discussion which is to take place in July next. It will be seen from page 4 of the Report of the British delegates that importance is attached to the co-operation of the Governments of Ceylon and Hong Kong.

4. With reference to your letter of the 22nd of April,§ Mr. Harcourt observes that the draft Convention enclosed in the French Chargé d'Affaires' note makes no provisions for the adherence of Colonies, &c., though the French Government are

* No. 508. † 509 and 13808: not printed. ‡ 13808: not printed. § No. 509.

apparently anxious to secure the co-operation of India and the self-governing Dominions. It is desired that the Governments of the Dominions and of Ceylon and Hong Kong should join the proposed Commission; it would appear to be necessary to alter Article 6 of the draft Convention so as to read somewhat as follows:—

- "(1) The high contracting parties reserve to themselves the right to adhere to the present Convention in respect of their Dominions, Colonies, Possessions, or Protectorates.
- "(2) The Governments which have not signed the present Convention are permitted to adhere to it at their request.
- "(3) In either case, the adherence shall be notified through the diplomatic channel to the Government of the French Republic, &c."

5. Mr. Harcourt will be glad to receive Sir Edward Grey's observations on this suggested alteration of Article 6 of the draft Convention, and in particular to learn whether, in Sir Edward Grey's opinion, it will be sufficient to enable any of the Governments mentioned to join the Commission on the same footing as Contracting States proper. Whatever the form of words to be adopted to provide for the adherence of Colonies, &c., Mr. Harcourt would wish the French Government to be informed, with reference to the allusion to the Radio-telegraphic Conference on page 125 of the printed Report of Proceedings, that His Majesty's Government do not regard that Conference as a suitable precedent, so far as the limitation of the number of votes to be cast by any single Power is concerned, but desire that there should be a separate vote for each Government joining the Commission, whether metropolitan or colonial, without regard to the total number of votes to be cast by any single Power for itself and its Colonies.

I am, &c.,
H. W. JUST.

19744

No. 511.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11 June, 1913.)

[Answered by No. 512.]

SIR,

Foreign Office, June 10th, 1913.

WITH reference to your letter 13808, of the 3rd ultimo,* on the subject of the proposed creation at Paris of a "Commission Internationale de l'Heure," I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that as the British delegates' report on the proceedings of the Conference held in Paris last October was addressed to the Lords Commissioners of the Admiralty, Sir E. Grey consulted their Lordships as regards the participation of the Governments of Ceylon and Hong Kong in the discussion which is to take place next month. Their Lordships have now replied, stating that they have no objection to representatives of these Governments attending if desired, but that, as the proceedings will probably be merely formal, and no new points of interest are likely to be discussed, they are disposed to think that such attendance would be unnecessary.

With regard to paragraph 4 of your letter above referred to, I am to state that, as the Convention is drawn as between Governments, the expression "High Contracting Parties" used in various articles seems inappropriate, and that a note is being addressed to the French Ambassador proposing certain amendments in this and other respects which appear to be desirable from the point of view of treaty form. Sir E. Grey would, therefore, suggest that Article 6 (1) as set forth in your letter should be altered so as to read:—

"The States parties to the present Convention reserve to themselves &c.
Subject to this amendment he concurs in its terms.

With respect to paragraph 5 of your letter, it is gathered that an addition to Article 6 (1) in the following terms would meet the wishes expressed by Mr. Harcourt.

"For the purposes set forth in the Statutes annexed to the Convention each such acceding Dominion, Colony, Possession, or Protectorate shall be regarded as a Contracting State."

* No. 510.

The proposed amendments are accordingly put forward in the enclosed draft note to Monsieur Cambon, and I am to enquire whether it meets with Mr. Harcourt's concurrence, or whether he has any observations to offer thereon.

As the time draws near for the meeting of the Conference, Sir E. Grey would be obliged if a reply could be returned at Mr. Harcourt's early convenience.

I am, &c.,
A. LAW.

Enclosure in No. 511.

DRAFT NOTE TO THE FRENCH AMBASSADOR.*

YOUR EXCELLENCY, Foreign Office, June 13, 1913.

I DULY received the notes which you were good enough to address to me on the 16th April and the 24th ultimo respecting the proposed establishment at Paris of a "Commission Internationale de l'Heure."

With regard to the draft Convention forwarded by Your Excellency, I beg leave to observe that in certain respects, and from the point of view of treaty form, the phraseology might, in the opinion of His Majesty's Government, be amended with advantage. As the Convention is to be concluded between Governments, the expression "High Contracting Parties" used in Articles I. and V.—a term which is properly applicable to Heads of States—seems inappropriate, while for the same reason the provision in Article VII. for ratification, which is a sovereign act, appears unnecessary.

His Majesty's Government are aware that in certain other special Conventions of this nature which have been concluded within recent years a similar phraseology has been employed. But it would seem desirable, since the opportunity offers, to rectify in the present Convention expressions which, in their view, are not strictly correct. I have accordingly the honour to suggest, for the consideration of the French Government, that in Articles I. and V. the term "High Contracting Parties" should be replaced by the term "Contracting Governments" and that, should it be deemed necessary to maintain a provision for ratification in Article VII., the phraseology should be amended so as to read "The present Convention is concluded subject to ratification by the Heads of the respective States, and the ratifications, &c., &c."

I have the honour at the same time to observe with regard to Article VI. of the draft Convention that no provision is made for the accession of Colonies, &c., though it is gathered that the participation of certain of His Majesty's Dominions, Colonies, and Possessions would be welcomed by the French Government. With the view of providing for such accessions His Majesty's Government would suggest that Article 6 should be recast in the following manner:—

"Article 6 (1).—The States parties to the present Convention reserve to themselves the right to accede thereto in respect of their Dominions, Colonies, Possessions, or Protectorates. For the purposes set forth in the Statutes annexed to the Convention each such acceding Dominion, Colony, Possession or Protectorate shall be regarded as a contracting State.

"(2) The Governments which have not signed the present Convention are permitted to accede to it at their request.

"(3) In either of the above-mentioned cases the accession shall be notified through the diplomatic channel to the Government of the French Republic, and &c."

With respect to the latter part of Article 6 (1) as above set forth, I beg leave to state that His Majesty's Government prefer that the provision in question should appear in the present Convention in this form rather than that adopted in the case of the Radiotelegraph Convention, to which reference is made on page 125 of the printed Report of Proceedings. In their opinion the latter Convention is not a suitable precedent to be followed in this respect.

In requesting that Your Excellency will be so good as to bring the above to the knowledge of the French Government,

I have, &c.,

* This note (altered as suggested in No. 512) was sent to the French Ambassador on 18th June.

19744

No. 512.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 513.]

Sir,

Downing Street, 13 June, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th instant,* and to state that he concurs in the draft of the Note which Secretary Sir Edward Grey proposes to address to the French Ambassador relative to the projected "Commission Internationale de l'Heure."

2. Mr. Harcourt would, however, enquire if, as the first paragraph of the revised Article 6 of the draft Convention covers all States parties to the Convention, whether parties by signature or by subsequent accession, it would not be well that it should change places into the second paragraph.

3. Sir Edward Grey has doubtless observed that the word "adhérer" is not used in the same sense in Article 6 of the draft Convention and in the draft Statutes.

I am, &c.,

C. ALEXANDER HARRIS.

28252

No. 513.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14 August, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a note from the French Ambassador, dated August 4, 1913, respecting the "Commission Internationale de l'Heure."

Reference to previous letter: From Colonial Office, June 13, 1913, No. 19744.†

Foreign Office,

August 13, 1913.

(India Office and Admiralty informed.)

Enclosure in No. 513.

Ambassade de France en Angleterre,

Londres, le 4 Août, 1913.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

VOTRE Excellence a bien voulu me faire connaître à la date du 18 Juin dernier les observations du Gouvernement de Sa Majesté sur le projet de Convention que je lui avais transmis au sujet de la constitution d'une conférence internationale de l'heure à Paris. Je me suis empressé de les communiquer à Monsieur le Ministre des Affaires Etrangères de la République, qui me prie de faire savoir à Votre Excellence qu'en vue de donner satisfaction aux désirs exprimés par le Gouvernement Britannique, le projet de convention internationale a été modifié de la manière suivante:—

(1) Dans les articles I. et IV., les termes:—"Les hautes Parties Contractantes" sont remplacés par "Les Gouvernements contractants";

(2) L'article VI. est modifié ainsi qu'il suit:—

"Les Gouvernements qui n'ont pas signé la présente convention sont admis à y adhérer sur leur demande.

"Les Etats participant à cet accord se réservent le droit d'y adhérer pour leurs Colonies, Possessions ou Protectorats. En ce qui concerne l'application des dispositions des status annexes à la Convention, chaque Colonie, Possession ou Protectorat adhérent sera considéré comme un Etat Contractant.

"Toute adhésion sera notifiée, par la voie diplomatique, au Gouvernement de la République Française, et, par celui-ci, aux autres Gouvernements Contractants; elle comportera l'engagement de participer, par une contribution, aux frais de la Commission internationale et de ses organes, dans les conditions visées à l'Article III."

(3) Le début de l'Article VII est modifié comme suit :—" La présente convention sera soumise à ratification et les ratifications en seront échangées

Je serais reconnaissant à Votre Excellence si elle voulait bien m'informer, aussitôt qu'elle le pourra, de l'accueil que le Gouvernement de Sa Majesté jugera possible de réserver à l'invitation qui lui a été faite de désigner des délégués chargés de signer à Paris les textes définitifs de la Convention et des Statuts en question. La conférence de ces délégués se réunira le lundi 20 Octobre prochain à trois heures de l'après midi à l'Observatoire de Paris.

Ce dernier renseignement répond à la question que Votre Excellence a bien voulu me poser par sa lettre du 17 Juillet dernier.

Veuillez agréer, &c.,
PAUL CAMBON.

Son Excellence
Sir Edward Grey, Bart.,
&c., &c., &c.

28272

No. 514.

THE HIGH COMMISSIONER FOR AUSTRALIA to COLONIAL OFFICE.

(Received 14 August, 1913.)

[Answered by No. 515.]

SIR, High Commissioner's Offices, 72, Victoria Street, Westminster,
London, S.W., 13th August, 1913.

I AM directed by the High Commissioner to state, for the information of the Secretary of State, that he has received an intimation from the Commonwealth Government stating that Dr. Ernst Carroll, Trade Commissioner of the Commonwealth of Australia for Switzerland, Neuchatel, has been appointed to represent the Commonwealth at the International Conference on Night Work to be held in Berne on the 15th proximo, and to ask if you will be good enough to cause the necessary notification to be made to the Swiss Government.

2. The High Commissioner will also be glad if you can arrange for him to be furnished with a list of questions to be submitted to the Congress referred to.

I am, &c.,
F. SAVAGE,
for Official Secretary.

29441

No. 515.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR AUSTRALIA.

SIR, Downing Street, 29 August, 1913.

WITH further reference to your letter of the 13th instant,* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the High Commissioner, copy of a note† addressed by the Swiss Minister to the Secretary of State for Foreign Affairs on the 10th February last, setting out the proposals submitted by the International Association for the Protection of Workers as a basis for the deliberations of the International Conference on Night Work, &c. Mr. Harcourt, on receiving your letter, obtained a copy of this note from the Foreign Office, but he regrets that it appears that all the copies of the memoranda annexed to M. Carlin's note have already been disposed of.

I am, &c.,
H. W. JUST.

* No. 514.

† Enclosure in 29441: not printed.

29441

No. 516.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 518.]

SIR, Downing Street, 29 August, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd instant,* forwarding a copy of the note from the Swiss Minister of the 10th February last, on the subject of the International Conference on Night Work, &c., to be held at Berne in September next.

2. I am to enclose, for the information of Secretary Sir Edward Grey, a copy of a letter† which has been addressed to the High Commissioner for the Commonwealth of Australia in reply to his letter of the 13th instant,‡ a copy of which was sent to you on the 18th instant.§

3. I am to observe that the letter from the High Commissioner was the first intimation to Mr. Harcourt that such a Conference was pending. Sir E. Grey will have gathered from that letter that the matter is of some interest to the Commonwealth of Australia, and it is not improbable that the Governments of the other self-governing Dominions would also have been interested in it. As Sir E. Grey is aware, the Government of New Zealand adhered to the International Convention of 1906 respecting the prohibition of night work for women in industrial employment.

4. Mr. Harcourt would be glad to learn whether there were any special reasons which made it undesirable to inform the Dominion Governments of what was contemplated and to invite them to send delegates to the Conference.

5. It is presumed that His Majesty's Government are to be represented at the Conference.

I am, &c.,
H. W. JUST.

28252

No. 517.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 30 August, 1913.]

(Canada. No. 666.)	(Union of South Africa. No. 358.)
(Australia. No. 496.)	(Ceylon. No. 514.)
(New Zealand. No. 325.)	(Hong Kong. No. 266.)

[SIR,] Downing Street, 29 August, 1913.
[MY LORD,]

WITH reference to—
[my despatch, No. (336) (267) (167) of the 2nd May,||]
[your despatch, No. 578, of the 4th August,¶]
[my despatch, No. 247, of the 2nd May,||]
[Sir F. May's despatch, No. 268, of the 25th July,**]

I have the honour to transmit to [Your Excellency] [you], [for the information of your Ministers] [for your information], copies of a correspondence†† with the French Ambassador on the subject of the proposed establishment at Paris of a "Commission Internationale de l'Heure."

2. A memorandum‡‡ on the same subject communicated by the German Ambassador on the 15th instant is also enclosed.

I have, &c.,
L. HARCOURT.

* 29441: not printed.

† No. 515.

‡ No. 514.

§ 28272: not printed.

|| 13808: not printed.

¶ 29376: not printed.

** 28766: not printed.

†† See enclosure in No. 511 and enclosure in No. 513.

‡‡ Sub-enclosure in 29292: not printed.

No. 518.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8 September, 1913.)

[Answered by No. 519.]

SIR,

Foreign Office, September 6, 1913.

I AM directed by Secretary Sir E. Grey to refer to your letter, No. 29441/1913, of August 29th last,* in which you enquire whether there were any special reasons why the Governments of the self-governing Dominions should not have been invited to send representatives to the International Conference on Night Work to be held at Berne this month.

2. Sir E. Grey understands that the present Conference is a preliminary meeting to be followed, probably next year, by a Diplomatic Conference which will draft and sign a fresh International Convention. This course was followed when the question of night work for women was last discussed with a view to international action, the preliminary Conference held in 1905 being followed in 1906 by a Diplomatic Conference.

3. I am to point out that to neither of these Conferences were the self-governing Dominions invited to send delegates, and the Swiss Minister, in conveying the invitation to His Majesty's Government, made no mention of those Dominions. Moreover, at the time of the last Labour Conference, it was proposed that the question of the representation of the Colonies, &c., at future Conferences of this nature should be discussed at the Imperial Conference which was to meet in the following year. (See Colonial Office letter to Home Office, 32659, of the 8th September, 1906,† a copy of which was enclosed in the Colonial Office letter to this Department of the same date.) As the question, however, does not appear to have been raised at the Imperial Conference, Sir E. Grey would be glad to learn whether he is right in assuming that no decision has ever been arrived at in the matter.

4. It is not clear whether on the present occasion the Commonwealth Government received a separate invitation from the Swiss Government or whether they were merely informed of the Conference by Dr. Carroll, who resides in Switzerland. If it is found that the Swiss Government addressed separate invitations to the self-governing Dominions, Sir E. Grey would propose, if Mr. Secretary Harcourt concurs, to represent to them the irregularity of such proceeding.

5. The Swiss Minister has now been notified of Dr. Carroll's attendance at the present Conference in accordance with your letter, 28272, of the 18th ultimo,‡ but the question of inviting the self-governing Dominions to send separate delegates to the subsequent Diplomatic Conference on this subject, should one be held, still remains to be settled.

6. I am to add, for the information of Mr. Harcourt, that His Majesty's Government will be represented at the present Conference by Mr. Delevingne, C.B., the Director of the Industrial Division of the Home Office, and by Sir Arthur Whitelegge, K.C.B., the Chief Inspector of Factories.

I am, &c.,

RALPH PAGET.

31249

No. 519.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by L. F. transmitting copies of Nos. 520 and 521.]

SIR,

Downing Street, 23 September, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 6th instant,§ relative to the International Conference on Night Work, &c., meeting at Berne this month.

2. I am to observe, with reference to the third paragraph of your letter, that the question which it was proposed to discuss at the Imperial Conference of 1907 has been settled in an affirmative sense by recent practice, under which it has become the rule rather than the exception to invite the participation of the self-governing Dominions in International Conferences and Congresses.

* No. 516. † 32659: not printed. ‡ 32659: not printed. § Not printed. | No. 518.

3. In this connection I am to refer to your letter of the 12th March last,* in which Secretary Sir Edward Grey undertook to enquire whether invitations to His Majesty's Government to be represented at such Conferences and Congresses extend to the Dominions in all cases where they are not expressly included in the invitations.

4. Mr. Harcourt will be obliged if copies of the Report of the Conference now in question may be supplied for communication to the Dominion Governments in order that he may be placed in a position to enquire their wishes as to representation at the Diplomatic Conference.

5. As regards the fourth paragraph of your letter, Mr. Harcourt has no doubt that the second of the suggested explanations is the correct one, and, as he is anxious to avoid any action which might bring into prominence the fact that the Dominions were not invited, he would prefer that nothing should be said to the Swiss Government.

I am, &c.,

H. W. JUST.

34973

No. 520.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Foreign Office, 18 November, 1913. L.F.]

(No. 432.)

Downing Street, 31st October, 1913.

MY LORD,

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a note† from the Swiss Chargé d'Affaires, on the subject of a preliminary Conference between representatives of His Majesty's Government and the Governments of certain European countries, held at Berne from the 15th to the 25th September, at which the bases of two International Conventions were agreed to: (1) for the prohibition of night work by young workers; and (2) for the limitation of the hours of work of women and young workers.

2. It is proposed that an International Conference should be held later for the purpose of drawing up the two Conventions, and I should be glad to learn whether, in the event of such a Conference being held, your Ministers would desire to be represented. If so, His Majesty's Government will endeavour to secure invitations for your Government.

I have, &c.,

L. HARCOURT.

34973

No. 521.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Foreign Office, 18 November, 1913. L.F.]

(Canada. No. 858.)

(Union of South Africa. No. 489.)

(Australia. No. 700.)

(Newfoundland. No. 319.)

[SIR.]

Downing Street, 14th November, 1913.

[MY LORD.]

I HAVE the honour to transmit to [you] [Your Excellency], to be laid before your Ministers, a copy of a note† from the Swiss Chargé d'Affaires, on the subject of a preliminary Conference between representatives of His Majesty's Government and the Governments of certain European countries, held at Berne from the 15th to the 25th September, at which the bases of two International Conventions were agreed to: (1) for the prohibition of night work by young workers; and (2) for the limitation of the hours of work of women and young workers.

[To Australia only: Arrangements were made for Dr. Carroll to attend the Conference on behalf of your Government in accordance with a request to that effect made in the letter‡ from the High Commissioner of which a copy is enclosed.]

* 8526: not printed.

† Enclosure in 34973: not printed.

‡ No. 314.

2. It is proposed that an International Conference should be held later for the purpose of drawing up the two Conventions and I should be glad to learn whether, in the event of such a Conference being held, your Ministers would desire to be represented. If so, His Majesty's Government will endeavour to secure an invitation for your Government.

I have, &c.,
L. HARCOURT.

(c.) CONCLUSION OF COMMERCIAL AGREEMENTS BY THE DOMINIONS.

20267

No. 522.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received July 1, 1912.)

[Copy to Foreign Office, 25 July, 1912. L.F.]

[Answered by No. 523.]

(No. 64.)

Sir,

Government House, Wellington, 22nd May, 1912.

With reference to your despatch, No. 64, of the 26th February,* on the subject of the importation of frozen meat into France, I have the honour to transmit to you the accompanying copy of a memorandum, dated 21st May, which I have received from my Prime Minister, stating that enquiries are being made as to the possibility of making a mutually acceptable commercial agreement with France, and that as soon as such enquiries are completed a further communication will be sent to me for transmission.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 522.

Prime Minister's Office, Wellington,

21st May, 1912.

MEMORANDUM for His Excellency the Governor.

The Prime Minister presents his compliments to His Excellency the Governor, and begs to inform him in regard to the Government House record 12/244 covering a despatch from the Colonial Office on the question of arranging for the admission of New Zealand meat into France on favourable terms, that enquiries are being made as to the possibility of making a mutually acceptable commercial agreement with France. When the inquiries are completed a further memorandum will be sent, so that the Colonial Office may be advised whether it is desired to accept its offer to arrange for negotiations with France to be conducted.

THOS. MACKENZIE,
Prime Minister.

20267

No. 523.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Foreign Office, 25 July, 1912. L.F.]

[Answered by No. 524.]

(No. 215.)

My Lord,

Downing Street, 23rd July, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 64, of the 22nd of May,† forwarding a memorandum from your Prime Minister, in which it is

* 5019 : not printed.

† No. 522.

stated that enquiries are being made as to the possibility of concluding a mutually acceptable commercial agreement with France.

2. I presume that the enquiries which are being made are being conducted through the French Consul-General in New Zealand. His Majesty's Government recognise that this procedure affords a convenient means of ascertaining whether or not it is desirable that formal and definitive action should be taken in the matter. They would, however, be glad, in accordance with the usual practice, to learn the result of the enquiries in due course, and, if they extend over any considerable period, to be kept informed from time to time of their progress.

3. Should the result of the enquiries indicate that the way is open to the negotiation of a satisfactory agreement, His Majesty's Government will be pleased to institute formal negotiations either in London or at Paris with a view to the conclusion of a treaty, and for the purpose of such negotiations to associate as Plenipotentiary with His Majesty's Secretary of State for Foreign Affairs or His Majesty's Ambassador at Paris (as the case may be) some person or persons nominated by your Government, e.g., a Minister or the High Commissioner.

4. In this connexion I would request you to invite the attention of your Ministers to paragraphs 1-9 of Lord Ripon's despatch of the 28th of June, 1895, and to Sir Edward Grey's despatch of the 4th of July, 1907, which are printed in the enclosed House of Commons Return (H. C. 129, of 1910). I also enclose for convenience of reference a copy of Parliamentary Paper [C: 7824], which contains the full text of Lord Ripon's despatch.

I have, &c.,
L. HARCOURT.

34758

No. 524.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4 November, 1912.)

[Copy to Board of Trade and Foreign Office, 9 November, 1912. L.F.]

(No. 153.)

Sir,

Wellington, 26th September, 1912.

With reference to your despatch of the 23rd July, No. 215,* relative to enquiries which it was stated in the enclosure to my despatch, No. 64, of the 22nd May,† were being made by my Government as to the possibility of concluding a mutually acceptable commercial agreement with France, I have the honour to transmit to you the accompanying copy of a memorandum received from my Prime Minister, from which it will be observed that the enquiries referred to are being confined to an investigation of the character and dimensions of New Zealand's present trade with France, with a view to determining the directions in which mutually acceptable concessions might be made.

2. The Prime Minister states, further, that no negotiations of any kind would, of course, be made except through His Majesty's Government.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 524.

MEMORANDUM for His Excellency the Governor.

Prime Minister's Office, Wellington,

25th September, 1912.

The Prime Minister presents his compliments to His Excellency the Governor, and begs to inform him with regard to Government House Record 12/704, in con-

* No. 523.

† No. 522.

nection with proposed negotiations for the conclusion of a commercial agreement between France and this Dominion, that the enquiries referred to in a previous communication as being made by the New Zealand Government are being confined to an investigation of the character and dimensions of our present trade with France, with a view to determining the directions in which mutually acceptable concessions might be made. No negotiations of any kind would, of course, be made except through the Imperial Government, and, as His Excellency is aware, he has recently been asked to inquire by cable to the Colonial Office what concessions, if any, on French goods imported into New Zealand would be required in return for admitting our meat to France on the same terms as Argentine meat.

W. F. MASSEY,
Prime Minister.

(RESOLUTION XX.): ROYAL COMMISSION AS TO NATURAL RESOURCES
AND IMPROVEMENT OF TRADE OF THE EMPIRE.

S102

No. 525.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10 March, 1913.)

[Answered by No. 526.]

(No. 17.)

SIR,

Governor-General's Office, Melbourne, 22nd January, 1913.

I HAVE the honour to inform you that I am advised by my Prime Minister that the High Commissioner for the Commonwealth has invited the attention of the Government to the fact that the Dominions Royal Commissioners have been receiving evidence attacking Australian land tax legislation.

2. Sir George Reid has informed Ministers that he considered it his duty to wait upon Sir Edgar Vincent, who was acting as Chairman of the Commission, to protest against a course which he considered clearly outside the scope of the Commission, the admission of such evidence being calculated, in his opinion, to awaken resentment in Australia and tend to destroy the good feeling with which such an enquiry ought to be conducted.

3. The preamble of the Commission shows that the fiscal laws of the different parts of the Empire are not to be attacked, but the members of the Commission seem to have determined to construe the expression "fiscal laws" as if it only referred to customs tariffs, which, in the opinion of my Ministers, "is not consistent with the meaning of the word as shown in any good dictionary."

4. The High Commissioner states that Sir Edgar Vincent was very sorry about the whole affair and he intimated his intention of shutting out such evidence in future, but Sir George Reid considers that the inadmissible evidence already received should be removed from the proceedings, but the Acting Chairman expressed a doubt as to the possibility of this course being followed.

5. My Prime Minister informs me that the Government concurs in the action taken by the High Commissioner, "and strongly contend that the evidence should be expunged from the report of the proceedings, in view of the facts that—as stated by Sir George Reid—the remarks made by Mr. Williamson are very abusive, and the Chairman has admitted that this evidence was wrongly accepted."

I have, &c.,

DENMAN,

Governor-General.

S102

No. 526.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 194.)

MY LORD,

Downing Street, 20 March, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 17, of the 22nd of January,* on the subject of the reception by the Dominions Royal Commission of evidence attacking Australian land tax legislation.

2. In reply, I have to request that you will inform your Ministers that I am in communication with Sir Edgar Vincent, the Chairman of the Dominions Royal Commission, on the subject, and that a further reply will be addressed to you in due course.

* No. 525.

3. In the meantime I have to observe that it was in accordance with the intention of the Imperial Conference that the terms "fiscal laws" and "fiscal legislation" should be construed as meaning Customs and tariff legislation in respect of duties.

4. The evidence in question has, you are no doubt aware, already been published—see pages 37, 39, and 41 to 47 of Parliamentary Paper [Cd. 6517], copies of which were transmitted to you with my despatch, No. 26, of the 10th of January last.*

I have, &c.,
L. HARCOURT.

10932

No. 527.

THE CHAIRMAN OF THE DOMINIONS ROYAL COMMISSION (AT BRISBANE)
TO THE COLONIAL OFFICE.

(Received 4.55 p.m., 1st April, 1913.)

TELEGRAM.

Have had personal interview with Prime Minister of the Commonwealth with reference to his letter 20th January† to Governor-General of Australia, and have come to agreement with him. As Government of Commonwealth of Australia does not propose to call witnesses we shall not take evidence Australia on subject of land tax, which is matter actual party controversy here. There is no question of expunging evidence Williamson as it is published. Reid mistaken in supposing that I expressed regret that evidence was taken. My regret was that there should be any divergence interpretation of terms of reference.—VINCENT.

19198

No. 528.

THE CHAIRMAN OF THE DOMINIONS ROYAL COMMISSION TO COLONIAL
OFFICE.

(Received 7 June, 1913.)

Dominions Royal Commission,
Federal Parliament House,
Melbourne, May 3rd, 1913.

SIR,

WITH further reference to your letter of the 20th March, and my reply of the 22nd [? 23rd] April; I have the honour to state that Mr. Fisher, the Prime Minister of the Commonwealth, informed me on May 1st that he proposed to instruct the competent department of the Commonwealth Government to furnish a statement to the Royal Commission on the subject of the Federal Land Tax, respecting which evidence was tendered in London. He suggested that this statement should be published as an appendix to the evidence taken by the Commission in Australia. He added that he was anxious to assist the work of the Royal Commission by all means in his power, and expressed the hope that the action upon which he had decided would meet their views.

I have, &c.,
EDGAR VINCENT,
Chairman.

* 41216 : not printed.

† See No. 525.

‡ 8102 : not printed, and No. 527.

16.

(RESOLUTION XXIV.): UNIFORMITY OF LAW AS TO ALIEN IMMIGRATION
EXCLUSION.

20591

No. 529.

NEWFOUNDLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 7.45 a.m., 3rd July, 1912.)

TELEGRAM.

Your telegram 19th June,* alien immigration legislation. My Ministers think that it will not be in the interests of Newfoundland to press matter at the present moment. They feel that question is one which requires careful study and exact knowledge and may well be allowed to stand over till again taken up by the other Dominions.—HORWOOD.

21428

No. 530.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.25 a.m., 9th July, 1912.)

TELEGRAM.

Your telegram of 19th June,* alien immigration. This Government does not propose that question be considered by Royal Commission.—DENMAN.

23631/11

No. 531.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., August 19, 1912.)

TELEGRAM.

[Answered by No. 532.]

My telegram 19th June.* Other Dominions agree that question of alien immigration legislation need not be considered by Royal Commission. When may I expect views of your Ministers?—HARCOURT.

29800

No. 532.

CANADA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6.26 p.m., 20th September, 1912.)

TELEGRAM.

Your telegram of 19th August.† My Ministers concur in opinion expressed by members of other Dominions represented on Royal Commission that question of alien immigration legislation need not be considered by Commission.—DEPUTY GOVERNOR-GENERAL.

* No. 405 in Dominions No. 39.

† No. 531.

(RESOLUTION XXV.): MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

21932

No. 533.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received July 13, 1912.)

[Copy to Board of Trade and Lord Chancellor's Office, 3rd August, 1912. L.F.]

[Answered by No. 543.]

(No. 431.)

Governor-General's Office, Cape Town.

26th June, 1912.

Sir,

I HAVE the honour to transmit to you, herewith, with reference to your despatch, No. 153, of the 27th March,* a copy of a Minute from Ministers, on the subject of the resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of courts of justice including judgments and orders as to commercial awards.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 533.

MINISTERS TO GOVERNOR-GENERAL.

(Minute No. 568.)

Prime Minister's Office, Cape Town, 25 June, 1912.

Ministers have the honour to inform His Excellency the Governor-General that they have taken into consideration the terms of the resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of courts of justice including judgments and orders as to commercial awards.

2. Ministers have further the honour to inform His Excellency that they agree in principle with the recommendations contained in the resolution referred to, a principle which has been recognised by Section one hundred and twelve of the South Africa Act in connection with mutual enforcement of the judgments and orders of the several Provinces of the Union.

3. Ministers are advised that Section one hundred and twelve would, if the requisite modifications were made as to the description of the several superior Courts and officers of superior Courts of the United Kingdom and the Dominions, and the processes of those Courts, be the most suitable form that the Imperial Act could take.

4. Ministers assume that a clause would be inserted making the Act operative in respect of any part of His Majesty's dominions only if adequate provision existed in that part for enforcing the judgments and orders of other parts of His Majesty's dominions.

LOUIS BOTHA.

26920

No. 534.

QUEENSLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 26 August, 1912.)

[Copy to Board of Trade and Lord Chancellor's Office, 30 August, 1912. L.F.]

(No. 31.)

Sir,

Government House, Brisbane, 20th July, 1912.

IN reply to your despatch, No. 39, of the 27th of March,* relative to the mutual enforcement of judgments and orders as to commercial arbitration awards,

* No. 414 in Dominions No. 39.

I have the honour to inform you that the Government of this State, while favouring the principle recommended by the Imperial Conference, desires to communicate with the Governments of the other States to ascertain their opinions on the matter and also with a view to securing uniformity of legislation in whatever States may be favourable thereto.

I have, &c.,
WM. MACGREGOR,
Governor.

28504

No. 535.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9 September, 1912.)

(No. 118.)

Government House, Dominion of New Zealand,

Wellington, 31st July, 1912.

SIR,

WITH reference to your despatch, No. 95, of the 27th March,* enclosing copy of a resolution which was passed by the Imperial Conference in 1911, in favour of the mutual enforcement of judgments and orders of Courts of Justice, including judgments and orders as to commercial arbitration awards, I have the honour to transmit to you the accompanying copy of a memorandum by the Solicitor-General, in which my Government concurs.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 535.

Solicitor-General's Office,

Wellington, 10th June, 1912.

ENFORCEMENT OF COLONIAL JUDGMENTS IN UNITED KINGDOM.

I have carefully considered the despatch from the Secretary of State for the Colonies, dated 27th March, 1912, relating to the proposed legislation in England for the enforcement there of colonial judgments and colonial arbitration awards. I recommend that the Imperial Government be informed that the New Zealand Government approves of the proposed extension to colonial judgments and arbitration awards of the principle contained in the Judgments Extension Act, 1868. His Majesty's Government should also be informed that, although legislation on these lines is already in force in New Zealand by virtue of Section 56 of the Judicature Act, 1908, the New Zealand Government is prepared to introduce further legislation, if necessary, for the purpose of bringing New Zealand law into conformity with English legislation which may be passed on this matter. With respect to the request contained in the above-mentioned despatch that suggestions should be made as to the exact terms of the legislation to be introduced in the Imperial Parliament, I recommend that the following suggestions be made by the New Zealand Government. They should, however, be made as suggestions merely and not as essential conditions of the approval of this Government to the measure proposed:—

1. Enforcement by way of execution in England of a colonial judgment should be allowable only by leave of an English Court, which should, however, be obtainable *ex parte* if necessary.
2. The Bill should expressly extend to colonial judgments for penalties, penal sums, taxes, rates, and duties, so as to supersede within the British Empire the rule of international law that liabilities so incurred in one country are not enforceable in another. See Dicey on Conflict of Laws, p. 207, 2nd ed. *Municipal County of Sydney v. Bell*, 1909, 1 K.B. 7. If, for example, an English firm or company is guilty of a fraud upon the Customs laws of a Colony and the penalty is

* No. 414 in Dominions No. 39.

recovered by action in that Colony, there seems to be no sufficient reason why that judgment should not be enforceable in the United Kingdom.

3. It should be made clear by express provision in the Bill that, except in respect of penalties, &c., as mentioned above, the rules of private international law as establishing the limits of the jurisdiction of foreign Courts are not interfered with. This is probably the effect of the Judgments Extension Act, 1868, as it stands, but there is no express provision. See Dicey, p. 423. A judgment obtained in a Colony against a person resident in the United Kingdom and not served with a writ in the Colony is not now enforceable by action in England, on the ground that by the rules of private international law the Colonial Court had no jurisdiction over the defendant. It ought to be made clear in the Bill, therefore, whether or not a similar rule is to apply to enforcement of such judgment by execution.

If the views which I have expressed meet with the approval of the New Zealand Government, I suggest that the most convenient course will be to cause a copy of this memorandum to be transmitted to the Secretary of State for the Colonies, together with an intimation to that effect.

JOHN SALMOND.

The Honourable
The Minister of Justice.

28504

No. 536.

COLONIAL OFFICE to THE LORD CHANCELLOR AND THE BOARD OF TRADE.

[Answered by No. 538.]

SIR,

Downing Street, 20 September, 1912.

WITH reference to the letter from this Department of the 30th of August,* I am directed by Mr. Secretary Harcourt to transmit to you, for any observations which [the Lord Chancellor] [the Board of Trade] may have to offer, the accompanying copy of a despatch† from the Governor of New Zealand on the subject of the resolution passed by the Imperial Conference of 1911 in favour of the mutual enforcement of judgments and orders of courts of justice, including judgments and orders as to commercial arbitration awards.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

29983

No. 537.

TASMANIA.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 23 September, 1912.)

[Answered by No. 543.]

(No. 36.)

SIR,

Government House, Hobart, Tasmania, 16th August, 1912.

WITH reference to your despatch, No. 32, dated 27th March last,‡ transmitting copy of a resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of Courts of Justice, I have the honour to transmit enclosed communication received from the Premier on the subject.

I have, &c.,
JOHN MCINTYRE,
Deputy Governor.

[No copy to Governor-General.]

* L.F. transmitting copy of No. 534.

† No. 535.

‡ No. 414 in Dominions No. 39.

Enclosure in No. 537.

(192/2/12.)

YOUR EXCELLENCY,

Premier's Office, Hobart, 14th August, 1912.

REFERRING to the accompanying despatch, No. 32, received from the Right Honourable the Secretary of State for the Colonies, on the subject of the enforcement of the orders of courts of justice, I have the honour to inform Your Excellency that the principle recommended by the Imperial Conference is one which will be accepted by this Government, and your Ministers are prepared to introduce legislation to reciprocate with any self-governing Dominion, State, or Province.

I have, &c.,
A. E. SOLOMON,
Premier.

His Excellency
the Governor of Tasmania.

30831

No. 538.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 1 October, 1912.)

Board of Trade (Commercial Department),
Gwydyr House, Whitehall,

London, S.W., 30th September, 1912.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of September 20th (No. 28504),* forwarding copy of a despatch† from the Governor of New Zealand and of a memorandum by the Solicitor-General of that Dominion, relative to the enforcement of judgments of courts, &c., within the Empire.

The points raised in the memorandum appear to the Board to be matters for the consideration of the Law Officers of the Crown rather than of this Department. The Board are, however, disposed to suggest that, before consulting those Officers, it might be well to await the receipt of replies on the subject from all the Dominions.

In the meanwhile, Mr. Harcourt will no doubt cause Lord Islington to be informed that the point in question will receive careful consideration.

I have, &c.,
G. S. BARNES.

39892

No. 539.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 16 December, 1912.)

[Answered by No. 543.]

(No. 75.)

Government House, Perth, Western Australia,

18th November, 1912.

SIR,

With reference to your despatch, No. 37, of the 27th March, 1912,‡ relative to the mutual enforcement of judgments and orders of Courts of Justice, including judgments and orders as to commercial arbitration awards, I have the honour to inform you that my Ministers have intimated that this Government proposes to introduce a measure on the lines suggested in your despatch during the next session of Parliament.

I have, &c.,
G. STRICKLAND,
Governor.

* No. 536.

† No. 535.

‡ No. 414 in Dominions No. 39.

41301

No. 540.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 30 December, 1912.)

[Answered by No. 543.]

(No. 79.)

Government House, Adelaide, 27th November, 1912.

SIR,

In reply to your despatch, No. 35, of 27th March, 1912,* I have the honour to forward herewith a report by the Right Honourable the Chief Justice of South Australia, *re* mutual enforcement of judgments and Orders of Courts of Justice throughout the Empire.

I would add that the report in question has the approval of the Government of South Australia.

I have, &c.,
DAY H. BOSANQUET,
Governor.

Enclosure in No. 540.

Returned to the Hon. the Attorney-General.

It would undoubtedly be a great public benefit to have legislation for reciprocally enforcing judgments of the Superior Courts throughout the self-governing portions of the Empire, in the same way as in the United Kingdom under the Judgments Extension Act, 1868. As regards awards, the Resolution at the Imperial Conference, 1911, was directed only to commercial arbitration awards. On this point the proposals contained in the Secretary of State's despatch are naturally cautious; but I see no reason why any legislation on the subject should be limited to arbitrations arising out of commercial contracts, except that commercial awards alone were the subject of the Resolution passed by the Conference. The simple course would be to provide that an award of any kind to which the effect of a judgment of a superior court has been given should be enforceable as a judgment.

The proposed Bill is to be limited to Great Britain and to apply to judgments and awards in the Dominions and Colonies which pass reciprocal laws as to the enforcement of British judgments. In order, therefore, to give complete effect to the scheme of the proposed measure, it will be necessary to have legislation with reciprocal provisions in each of the self-governing Dominions in addition to the Imperial statute. No doubt this course is suggested in order to avoid encroaching upon the legislative jurisdiction of the Dominions, States, and Provinces concerned. But this objection would be avoided if the Imperial Parliament were to pass a general measure applicable to the United Kingdom and reciprocally amongst the Dominions, &c., concerned on their adopting it either by legislation or by proclamation. This would also have the advantage of securing uniformity of procedure, though probably it would be desirable to reserve to the Dominion and State Legislatures the power of repeal and amendment as to their own territories.

Part IV. of the Commonwealth "Service and Execution of Process Act," No. 11 of 1901, Sections 20 to 26, provides a similar scheme, as regards inter-State judgments, to that which is now proposed with respect to the United Kingdom and self-governing Dominions.

S. J. W.,
Chief Justice.

18th October, 1912.

* No. 414 in Dominions No. 39.

1462

No. 541.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13 January, 1913.)

[Answered by No. 543.]

(No. 116.)

SIR, State Government House, Sydney, 4th December, 1912.

REFERRING to your despatch, No. 45, of the 27th March last,* transmitting copy of a resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of courts of justice, including judgments and orders as to commercial awards, I have the honour to inform you that the Premier has intimated to me that the question has now received the consideration of Ministers, and has asked me to acquaint you that Ministers are of opinion that legislation by the Imperial Parliament substantially on the lines of the Commonwealth Service and Execution of Process Act (No. 11 of 1901, Part IV.) would adequately meet requirements, provision being made to enable each court to make rules regulating the procedure under the Act in that court in respect both of its own judgments which are to be enforced elsewhere and of the judgments of other courts brought to it for enforcement. Ministers consider that power should also be given to add to the amount of the judgment the costs properly incurred in proceedings under the Act, both in the original court and the court where the judgment is enforced.

I have, &c.,
CHELMSFORD,
Governor.

[Copy not sent to Governor-General.]

6203

No. 542.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 21 February, 1913.)

[Answered by No. 543.]

(No. 17.)

SIR, Government House, St. John's, 10th February, 1913.

WITH reference to your despatch, No. 59, of the 27th March, 1912,* transmitting copy of resolution passed by the Imperial Conference, 1911, in favour of the mutual enforcement of judgments and orders of Courts of Justice including judgments and orders as to commercial arbitration awards, I have the honour to inform you that my Ministers are prepared to accept the principle recommended by the Imperial Conference; and that the Minister of Justice has been instructed to have the necessary legislation prepared for introduction at the coming session of the Legislature.

I have, &c.,
W. H. HORWOOD.

* No. 414 in Dominions No. 39.

1462

No. 543.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 139.)
(Australia. No. 124.)
(New South Wales. No. 36.)
(Victoria. No. 24.)
(Queensland. No. 26.)
(South Australia. No. 24.)

(Western Australia. No. 31.)
(Tasmania. No. 24.)
(New Zealand. No. 77.)
(Union of South Africa. No. 82.)
(Newfoundland. No. 47).

[SIR.]

[MY LORD.]

Downing Street, 21 February, 1913.

WITH reference to

[my despatch, No. 529, of the 2nd August last,*]
[my despatch, No. 328, of the 2nd August last,*]
[your despatch, No. 116, of the 4th December last,†]
[my despatch, No. 98, of the 2nd August last,*]
[my despatch, No. 85, of the 2nd August last,*]
[your despatch, No. 79, of the 27th November last,‡]
[your despatch, No. 75, of the 18th November last,§]
[Mr. McIntyre's despatch, No. 36, of the 16th August last,||]
[my despatch, No. 231, of the 2nd August last,*]
[Your Excellency's despatch, No. 431, of the 26th June last,*]
[your despatch, No. 17, of the 10th instant,**]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of the despatches†† noted in the margin, on the subject of the mutual enforcement throughout His Majesty's Dominions of judgments, orders of Courts of Justice and arbitration awards arising out of commercial contracts. [To Australia, Victoria, and Queensland only: 2. I should be glad to learn whether your Ministers are yet in a position to furnish me with their views on the subject.]

I have, &c.,
L. HARCOURT.

1462

No. 544.

COLONIAL OFFICE to THE LORD CHANCELLOR AND BOARD OF TRADE.

[Answered by No. 547.]

SIR,

Downing Street, 25 February, 1913.

WITH reference to [the letter from this Department of the 20th September last,††] [your letter of the 30th September last,§§] I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Lord Chancellor] [Board of Trade], copies of further despatches||| as noted in the margin [To the Lord Chancellor only: and of a letter from the Board of Trade,§§§] on the subject of the mutual

* Transmitting copy of No. 533. † No. 541. ‡ No. 540. § No. 539. || No. 537.
¶ No. 533. ** No. 542.

†† Nos. 534, 535, 537, 539, 540 and 541 (omitting despatch from Dominion or State to which this is addressed).

§§ No. 536. §§§ No. 538. || Nos. 537, 539, 540, and 541.

enforcement throughout His Majesty's Dominions of judgments, orders of courts of justice and arbitration awards arising out of commercial contracts.

I have, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

6203

No. 545.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 217.)	(Tasmania. No. 36.)
(Australia. No. 183.)	(South Australia. No. 32.)
(New South Wales. No. 51.)	(Western Australia. No. 38.)
(Victoria. No. 33.)	(New Zealand. No. 115.)
(Queensland. No. 37.)	(Union of South Africa. No. 121.)

[SIR,]

[MY LORD,]

Downing Street, 19 March, 1913.

WITH reference to my despatch, No. [139] [124] [36] [24] [26] [24] [24] [31] [77] [82], of the 21st February,* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a despatch† from the Officer Administering the Government of Newfoundland on the subject of the enforcement, throughout His Majesty's Dominions, of judgments, orders of courts of justice, and arbitration awards arising out of commercial contracts.

I have, &c.,
L. HARCOURT.

6203

No. 546.

COLONIAL OFFICE to THE LORD CHANCELLOR and THE BOARD OF TRADE.

[Answered by No. 547.]

SIR,

Downing Street, 19 March, 1913.

IN continuation of the letter from this Office of the 25th of February,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the [Lord Chancellor,] [Board of Trade,] the accompanying copy of a despatch† from the Officer Administering the Government of Newfoundland on the subject of the enforcement, throughout His Majesty's Dominions, of judgments, orders of courts of justice, and arbitration awards arising out of commercial contracts.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

15999

No. 547.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 12 May, 1913.)

[Answered by No. 551.]

Board of Trade (Commercial Department), Gwydyr House,
Whitehall, London, S.W., 10th May, 1913.

SIR,

I AM directed by the Board of Trade to advert to the correspondence which has passed between your Department and the Governments of the various self-governing Dominions with regard to the question of the mutual enforcement of judgments and orders of Courts of Justice and of commercial arbitration awards throughout His Majesty's Dominions.

* No. 543.

† No. 542.

‡ No. 544.

The correspondence in question appears to indicate a general readiness in the self-governing Dominions to pass the necessary legislation to secure this end, and the Board are disposed, therefore, to think that the time has come when the Lord Chancellor might be approached with a view to the consideration of the form to be taken by the legislation of the United Kingdom which is necessary to give effect to the resolution of the Imperial Conference on the subject.

The Board presume that your Department will make themselves responsible for advising the Dominion Governments as to the best form of Colonial legislation, having regard to the desirability that such legislation should so far as possible be uniform in shape throughout the Empire. Before, however, any steps are taken in that direction it would seem advisable that the nature of the Bill to be introduced into Parliament in this country should first be considered, and the Board consequently propose to communicate at once with the Lord Chancellor on this subject. In doing so they think it might be useful if they could, at the same time, forward, for His Lordship's information, a complete set of the replies of the various Dominion Governments to Mr. Secretary Harcourt's despatch of March 27th, 1912,* and, subject to Mr. Harcourt's approval, they would be glad if such a set could be supplied to them for the purpose in question.

I have, &c.,
GEO. J. STANLEY

16775

No. 548.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19 May, 1913.)

(No. 30.)

State Government House, Melbourne,
15th April, 1913.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch, No. 24, of the 21st February last,† and, with reference to your despatch, No. 98, of the 2nd August, 1912,‡ and to previous correspondence, relative to the mutual enforcement of judgments and orders as to commercial arbitration awards, to inform you that it is the intention of my Ministers to introduce a Bill during the next session of Parliament on the lines suggested in Colonial Office despatch, No. 39, of the 27th March, 1912.*

I have, &c.,
JOHN FULLER.

(A copy of this despatch has been sent to the Governor-General.)

16758

No. 549.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19 May, 1913.)

(No. 34.)

Government House, Perth, 21st April, 1913.

SIR,

IN reply to your despatch, No. 31, of 21st February, 1913,† I have the honour to transmit herewith a copy of a communication which I have received from my Ministers covering a report furnished by the Honourable the Attorney-General embodying the views of the Crown Law Officers of this State on the subject of the mutual enforcement of judgments and orders of Courts of Justice throughout His Majesty's dominions.

I have, &c.,
HARRY BARRON,
Governor.

* No. 414 in Dominions No. 39.

† No. 543.

‡ Transmitting copy of No. 533.

Enclosure I in No. 549.

FROM THE HONOURABLE THE PREMIER TO HIS EXCELLENCY THE GOVERNOR.

With reference to Your Excellency's communication of the 18th ultimo, covering a despatch from the Right Honourable the Secretary of State for the Colonies dated 21st February last, on the subject of the mutual enforcement throughout His Majesty's dominions of judgments, orders of Courts of Justice, and arbitration awards arising out of commercial contracts, I beg to forward herewith for Your Excellency's consideration a report I have received from the Honourable Attorney-General embodying the views of the Crown Law Officers; in which the Government concurs.

"The Crown Law Officers consider that legislation providing for the Imperial recognition of judgments obtained within the Empire would be of very great advantage.

"This recognition would, no doubt, be best secured by the passage through the Imperial Parliament of an Act on the lines of the Commonwealth Service and Execution of Process Act, 1901.

"At the present time the recognition in one part of the Empire of a judgment obtained in another is governed by the same rules as apply in the case of a judgment obtained in a foreign country. These rules, which may be gathered from the case of *Sirdar Gardayal Singh v. The Rajah of Faridkote*, 1894, A.C. 670, give a very narrow ex-territorial effect to judgments generally; but most courts assume to exercise an ex-territorial jurisdiction which they are quite aware would not be recognised by the courts of any other place. Thus Order XI., rule 1, of the English Rules of the Supreme Court provides for service of writs out of the jurisdiction in a large number of cases which are by no means within the restrictions indicated in the case just quoted.

"It has always appeared to the Law Officers that the Imperial Parliament should be asked to give Imperial operation to the principles which are now given a local and restricted operation in the English rule above mentioned and in Section 11 of the Commonwealth Service and Execution of Process Act, 1901. We should not then have continually before us the spectacle of courts of law assuming ex-territorial jurisdiction in certain cases whilst steadily refusing to recognise a corresponding jurisdiction in the others courts of the same Empire.

"It is not, of course, suggested that the Imperial authorities should force any such legislation on the self-governing Dominions. These would, no doubt, be left free to adopt or refrain from adopting the law, as they thought best."

THOMAS H. BATH,
Deputy Premier.

17th April, 1913.

17469

No. 550.

QUEENSLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 24 May, 1913.)

(No. 21.)

SIR,

Government House, Brisbane, 19 April, 1913.

With reference to your despatch, No. 26, of the 21st of February,* forwarding further information on the subject of the mutual enforcement throughout His Majesty's dominions of judgments, orders of Courts of Justice, and arbitration awards arising out of commercial contracts, I have the honour to enclose herewith a copy of a memorandum which has been prepared on this subject by the Attorney-General of this State.

I have, &c.,
ARTHUR MORGAN,
Deputy-Governor.

* No. 543.

Enclosure in No. 550.

MEMORANDUM FOR THE HONOURABLE THE CHIEF SECRETARY RE LEGISLATION DEALING WITH THE MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE.

Department of Justice,

Brisbane, 14th April, 1913.

With reference to despatches, No. 39, of the 27th March, 1912, and No. 26, of 21st February, 1913, from the Right Honourable the Secretary of State for the Colonies on the above matter, I have to advise that His Excellency the Governor should be informed that this Government is in favour of the principle recommended by the Imperial Conference; that his Ministers respectfully submit that the reciprocal legislation to be adopted in this and other parts of His Majesty's dominions should be in practically identical language with the Imperial legislation on the subject; and that they are prepared to introduce a bill of such a character. They also state it may be observed that Part IV. of the Commonwealth Service and Execution of Process Act (No. 11 of 1901) provides a similar scheme as regards inter-State judgments to that which is now proposed with respect to the United Kingdom and self-governing Dominions.

T. O'SULLIVAN,
Attorney-General.

15999

No. 551.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 5 June, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th of May,* on the subject of the reciprocal enforcement of judgments and orders of Courts of Justice and of commercial arbitration awards by the different Courts throughout His Majesty's dominions.

2. In reply, I am to point out that no reply has yet been received from the Government of the Commonwealth of Australia to the despatch which was addressed to the Governor-General on the 27th March, 1912,† and a copy of which was enclosed in the letter from this Office of the 29th idem.‡ Mr. Harcourt considers it desirable that the views of the Commonwealth should be obtained before the terms of the legislation to be introduced in this country are settled, and he is accordingly inviting the attention of the Governor-General of the Commonwealth to the matter. A further reply from the Government of Western Australia and a reply from the Government of Victoria are being forwarded to you in a separate letter of even date.§

3. As regards the proposal of the Board to approach the Lord Chancellor with a view to the consideration of the form to be taken by the legislation of the United Kingdom, I am to state that his Lordship has already been supplied from this Office with a complete set of the replies of the various Dominion Governments, but, before he is approached as proposed, Mr. Harcourt would invite the attention of the Board to their letter of the 30th September, 1912,|| in which it was suggested that a reference should be made to the Law Officers of the Crown on the receipt of the replies from all the self-governing Dominions. As the Board of Trade are aware, the Attorney-General presided at the main discussion of the subject at the last Imperial Conference, and he has continued since to take a personal interest in the matter.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 547. † No. 414 in Dominions No. 39. ‡ L.F. § No. 552. || No. 538.

33407

2 C 3

16775

No. 552.

COLONIAL OFFICE to THE LORD CHANCELLOR AND BOARD OF TRADE.

SIR, Downing Street, 5 June, 1913.
In continuation of the letter from this Office of the 19th March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord Chancellor, the accompanying copies of despatches† from the Governors of Victoria and Western Australia, on the subject of the enforcement throughout His Majesty's dominions of judgments, orders of Courts of Justice, and arbitration awards arising out of commercial contracts.

2. With reference to the despatch from the Governor of Western Australia, I am to point out that it supersedes the previous despatch from the Governor of the 18th November last,‡ a copy of which accompanied the letter from this Office of the 25th February.§

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

16775

No. 553.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 557.]

(No. 328.)

MY LORD, Downing Street, 6 June, 1913.
With reference to your despatch, No. 183, of the 19th March,|| I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of despatches† from the Governors of Victoria and Western Australia, on the subject of the enforcement throughout His Majesty's dominions of judgments, orders of Courts of Justice, and arbitration awards arising out of commercial contracts.

2. As the replies from all the other self-governing Dominions and from the Australian States to the proposals of His Majesty's Government have now been received, I shall be glad to be favoured, at the earliest convenience of your Government, with an expression of their views on the question raised in my despatch, No. 138, of the 27th March, 1912.¶

I have, &c.,
L. HARCOURT.

26404

No. 554.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31 July, 1913.)

(No. 473.)

SIR, Government House, Ottawa, 21 July, 1913.
I HAVE the honour to forward, herewith, for your information, copies of a letter from the Department of External Affairs, dated 18th July, 1913, respecting the enforcement of Judgments, Orders of Courts of Justice, and Arbitration Awards.

I have, &c.,
C. FITZPATRICK,
Administrator.

Reference to previous despatch: Colonial Office, No. 217, 19th March, 1913.||

* No. 546. † Nos. 548 and 549. ‡ No. 539. § No. 544.
|| No. 545. ¶ No. 414 in Dominions No. 39.

Enclosure in No. 554.

From DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 18th July, 1913.
With reference to Colonial Office despatches, as indicated in the margin, and to the minute of the Privy Council, dated 13th May, 1912, respecting the enforcement, throughout His Majesty's dominions, of judgments, orders of Courts of Justice, and arbitration awards arising out of commercial contracts,
218, 27 March, 1912.
529, 2 August, 1912.
139, 21 February, 1913.
217, 19 March, 1913.

I have now the honour to submit copies of replies received from the various Lieutenant-Governors, with the exception of those of Alberta and British Columbia, on this subject.

I am to request that His Excellency the Administrator of the Government may be humbly moved to cause copies of the same to be forwarded to the Secretary of State for the Colonies for the information of His Majesty's Government.

I have, &c.,
JOSEPH POPE,
Under-Secretary of State for External Affairs.

SIR, Government House, Toronto, May 21st, 1912.
I HAVE the honour to refer to your despatch of the 15th ultimo, No. 1107, upon the subject of the mutual enforcement of judgments and orders of Courts of Justice, and to inform you that I am advised by my Ministers that the principle of the suggestions made with reference to the enforcement of judgments obtained in the United Kingdom, the same privilege being extended to the self-governing Dominions, States and Provinces, is approved, but it is thought that provision should be made that no certificate should be registered unless by leave of the Court or a judge of the Court in which it is sought to register such certificate.

I have, &c.,
J. M. GIBSON,
Lieutenant-Governor.

The Honourable the
Secretary of State,
Ottawa.

SIR, Government House, Halifax, Nova Scotia, 15 June, 1912.
I HAVE the honour to refer to your despatch of 15th April ultimo, transmitting copy of a despatch from the Secretary of State for the Colonies to His Royal Highness the Governor-General, dated 27th March, 1912, and of its enclosures, on the subject of the mutual enforcements of judgments and orders of Courts of Justice, and to inform you that this Province accepts the principle recommended by the Imperial Conference on the subject, but it is suggested that this should not apply to undefended matters.

I have, &c.,
JAMES D. MCGREGOR,
Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

SIR, Government House, Fredericton, New Brunswick,
June 5th, 1913.
I AM directed by His Honour the Lieutenant-Governor to enclose you herewith the decision given by the Executive Council in connection with a despatch of the Secretary of State for the Colonies to His Royal Highness, the Governor-General,

dated the 27th March, 1912, and enclosed to His Honour in your despatch of date April 15th, 1912, 1107, on the subject of the mutual enforcement of judgments and orders of the Courts of Justice.

I have, &c.,
WILLIAM CRUIKSHANK,
Private Secretary.

Thomas Mulvey, Esquire,
Under-Secretary of State,
Ottawa.

Executive Council, New Brunswick, Fredericton, New Brunswick,

DEAR SIR, June 4th, 1913.

I AM directed by the Executive Council to inform your Honour, for the information of the Colonial Secretary—File 218, dated 27th March, 1912—that the said communication and letters attached were referred to the Honourable the Attorney-General for his information and report.

That the Honourable the Attorney-General has reported as follows:—"I have considered the despatch of the Secretary of State for the Colonies as the time at my disposal has made it possible, and I recommend that the Imperial Government, through the Government of Canada, be informed that the Government of New Brunswick approves of the extension of colonial judgments, orders of courts of justice and arbitration awards, as contained in the Judgments Extension Act, 1868, and that the Government of New Brunswick is prepared to introduce legislation necessary for the purpose of bringing New Brunswick law into conformity with English legislation which may be passed on this subject, so far as it is possible. I have no hesitation in recommending that the Government approve of the principle recommended by the Imperial Conference, and that it is prepared to introduce legislation to reciprocate with any self-governing Dominion, State, or Province."

I am further directed to inform your Honour that your advisers fully concur in the opinion expressed in the report of the Honourable the Attorney-General.

I have, &c.,
J.S. HOWE DICKSON,
Clerk, Executive Council.

Hon. Josiah Wood, D.C.L., LL.D.,
Lieutenant-Governor, &c.,
Sackville, New Brunswick.

Government House, Prince Edward Island, Charlottetown,
April 4th, 1913.

SIR, With further reference to your despatch of 27th March, on the subject of "mutual enforcements of judgments and orders of Courts of Justice," to which I replied on the 31st ultimo, I have now to enclose herewith a copy of a letter just received from Premier Mathieson, in which he states that the Government do approve of the principle recommended by the Imperial Conference, and are prepared to take such steps as may be necessary to give effect to the recommendations.

I have, &c.,
BENJ. ROGERS,
Lieutenant-Governor.

The Under-Secretary of State,
Ottawa.

Premier's Office, Charlottetown, Prince Edward Island,

SIR, April 2nd, 1913.
I beg to acknowledge receipt of your favour of this date, enclosing despatch from Under-Secretary of State, No. 139, with enclosures therein mentioned, also your letter of April 22nd last, with copy of despatch from Colonial Office of 27th March, 1912, to His Royal Highness the Governor-General, on the subject of the mutual enforcement of judgments and orders of Courts of Justice.

The matters in question having been referred to my Government, I am authorised to inform you that they approve of the principle recommended by the Imperial Conference, and are prepared to take such action as may be necessary to give effect to the recommendations.

I have, &c.,
J. A. MATHIESON.

His Honour the
Lieutenant-Governor,
Government House,
Charlottetown.

(800/13.)

Province de Québec, Hotel du Gouvernement,
Québec, 18 avril, 1913.

MONSIEUR, J'ai l'honneur, pour faire suite à vos dépêches, portant le No. 1107/12, en date du 29 mars, 1913, et 17 avril, 1912, de vous transmettre une copie certifiée d'un arrêté ministériel, portant le No. 376, concernant la mise à exécution des jugements, des ordres de cour et de tout arrêt relatifs à des contrats commerciaux.

J'ai l'honneur, &c.,
F. L'ANGELIER,
Lieutenant-Gouverneur.

L'honorable Secrétaire d'Etat,
Ottawa.

COPY OF A REPORT OF A COMMITTEE OF THE HONOURABLE THE EXECUTIVE COUNCIL,
DATED THE 15TH APRIL, 1913, APPROVED BY THE LIEUTENANT-GOVERNOR ON
THE 16TH APRIL, 1913.

Concerning the reference of the Honourable the Provincial Secretary (No. 800/13) on a despatch from the Secretary of State for the Colonies, dated the 27th March, 1912, re mutual enforcement of Judgments and Orders of Courts of Justice.

The Honourable the Acting Attorney-General of the Province, in a report dated the 15th April (1913), sets forth that he has studied the despatch, and is of opinion that the opportuneness of an Act in the desired sense, and which might produce a modification in the established rules of international private law, should be submitted to an interprovincial conference for the purpose of discussing common action by all the Provinces composing the Canadian Confederation.

Without common action based on nearly uniform rules adopted by the Provinces, the Honourable the Acting Attorney-General submits that the Bill would not be practical in so far as this Province is concerned.

Certified.

WM. LEAMONTH,
Acting Clerk, Executive Council.

Government House, Winnipeg, 29th August, 1912.

SIR, REFERRING to a despatch from the Secretary of State for the Colonies to His Royal Highness the Governor-General, dated the 27th March, 1912, and its enclosures, on the subject of mutual enforcement of judgments and orders of Courts of Justice, forwarded to me with your letter of the 15th April last, I have the honour to inform you that, after due consideration, the Executive Council of Manitoba cannot advise the passing of any legislation giving foreign judgments the same force in this Province as those of our own Courts.

I have, &c.,
D. C. CAMERON,
Lieutenant-Governor.

The Honourable the
Secretary of State,
Ottawa.

SIR, Government House, Regina, November 2, 1912.
 WITH further reference to a letter from the Under-Secretary of State, dated the 16th April, transmitting a despatch from the Secretary of State for the Colonies to His Royal Highness the Governor-General on the subject of the mutual enforcement of Judgments and Orders of Courts of Justice, I have the honour to transmit to you, herewith, a certified copy of a minute of my Executive Council, approved by me, dated the 4th ultimo.

I have, &c.,
 G. W. BROWN,
 Lieutenant-Governor of Saskatchewan.

The Honourable the
 Secretary of State,
 Ottawa, Ontario.

CERTIFIED COPY OF A MINUTE OF THE EXECUTIVE COUNCIL OF SASKATCHEWAN, DATED AT REGINA ON WEDNESDAY, SEPTEMBER 4, 1912, AND APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR.

The Executive Council has had under consideration a report from the Attorney-General, dated August 29, 1912, with reference to a despatch from the Principal Secretary of State for the Colonies to His Royal Highness the Governor-General, dated the twenty-seventh day of March, 1912, on the subject of the mutual enforcement of Judgments and Orders of Courts of Justice.

Upon consideration of the foregoing report, and on the recommendation of the Attorney-General, the Executive Council advises that approval be given to the principle recommended by the Imperial Conference, and more particularly set forth in paragraph 2 of the despatch above mentioned, and that such approval be communicated through the usual channels to the Secretary of State for Canada.

J. W. McLEOD,
 Clerk of the Executive Council.

26404

No. 555.

COLONIAL OFFICE to BOARD OF TRADE and THE LORD CHANCELLOR.

SIR, Downing Street, 14 August, 1913.
 IN continuation of the letter from this Office of the 5th of June,* I am directed by Mr. Secretary Harecourt to transmit to you, to be laid before [the Board of Trade] [the Lord Chancellor] the accompanying copy of a despatch† from the Officer Administering the Government of Canada, on the subject of the enforcement throughout His Majesty's Dominions of judgments, orders of courts of justice and arbitration awards arising out of commercial contracts.

I am, &c.,
 HENRY LAMBERT,
 for the Under-Secretary of State.

40401

No. 556.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 24 November, 1913.)

[Answered by No. 558.]

(No. 665.)

SIR, Government House, Ottawa, 13 November, 1913.
 I HAVE the honour to forward, herewith, for your information, a copy of a

* No. 552.

† No. 554.

letter from the Department of External Affairs, dated 7th November, 1913, respecting the enforcement of judgments and orders of courts of justice.

Reference to previous despatch: Administrator's No. 473, 21 July.*

I have, &c.,
 ARTHUR.

Enclosure in No. 556.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 7th November, 1913.
 REFERRING to my letter of the 18th July last, I have now the honour to transmit to you herewith copies of the replies of the Provinces of British Columbia and Alberta to despatches of the Secretary of State for the Colonies to the Governor-General as indicated in the margin, on the subject of the mutual enforcement of judgments and orders of courts of justice.

No. 218, 27 March, 1912.
 No. 529, 2 August, 1912.
 No. 139, 21 February, 1913.
 No. 217, 12 March, 1913.

I am to request that His Royal Highness may be humbly moved to cause these documents to be forwarded to the Secretary of State for the Colonies for the information of His Majesty's Government.

I have, &c.,
 JOSEPH POPE,
 Under-Secretary of State
 for External Affairs.

The 27th of October, 1913,

At Government House,

SIR, Victoria, British Columbia.
 WITH reference to correspondence on the subject of the mutual enforcement of judgments and awards of courts of justice, I have the honour to transmit to you, herewith, a communication from the Honourable the Attorney-General giving the views of my Ministers upon this subject.

I have, &c.,
 THOS. W. PATERSON,
 Lieutenant-Governor.

The Under-Secretary of State,
 Ottawa.

Attorney-General's Office,
 Victoria, October 25th, 1913.

Re Mutual Enforcement of Judgments.

SIR, THE despatch from the Secretary of State for the Colonies on the subject of the mutual enforcement of judgments and orders of the Courts of the United Kingdom and the self-governing Dominions received my careful consideration when a copy of the despatch was first received, but as the proposed legislation involved a radical departure from the established law and procedure in this Province, I deemed it my duty to endeavour to obtain an expression of the views of the leading members of the British Columbia Bar on the subject, before advising you of my own views and those of my colleagues of the Executive Council. Although it has taken considerable time to get the opinions of the leading counsel and practitioners of the Province, yet it is a sort of compensation for the delay to know that their attitude confirms me in my own opinion, which is endorsed by the Government.

It may be well to point out at the outset that the occasions on which it becomes necessary to enforce British judgments in British Columbia and British Columbia judgments in England are few and far between, and when it is sought to make a

* No. 554.

change in the existing law with the view of making it easy to compel a dishonest debtor to pay his just debts care should be taken to avoid the danger of thereby leaving the door open for a dishonest creditor to cause loss and injury or inconvenience to an honest person living perhaps in a remote part of the Empire, at a great distance from the place in which proceedings are taken and judgment recovered.

As the law now stands, where a defendant has not subjected himself to the jurisdiction of the court where the judgment is obtained he is entitled to raise in his defence to an action on a foreign judgment all issues which he would have been entitled to have raised in the original action had he submitted to the jurisdiction. A defendant sued in our courts is entitled to raise the defence that the judgment obtained in the foreign court was obtained by fraud. If, therefore, the judgment obtained in the foreign court is enforceable by certificate in this Province, and the certificate is conclusive as against the defendant, the defence that the judgment was obtained by fraud is taken away from him. Similarly, he may raise the defence of lack of jurisdiction in the court in which judgment was obtained. Further, if a defendant has not submitted to the jurisdiction of the court in which judgment was obtained, he may now raise a defence on the merits. I am of the opinion that the practical effect of the proposed legislation will be to deprive the defendant of any recourse in our courts, once judgment has been obtained against him in England and the certificate of judgment has been registered in this Province. It will, moreover, tend to impair the usefulness of our Fraudulent Preferences Act and our Statute of Limitations. Creditors resident in British Columbia might be forced to divide up assets with non-resident creditors, who could come to British Columbia and register judgments which, if obtained in this Province, would be bad as against creditors by reason of our Fraudulent Preferences Act.

An action on a foreign judgment is not at the present time an expensive one, nor does it mean the taking of a very great amount of evidence, and it is not well to depart from established law when the practical effect of the alteration is merely to save the creditor the costs of enforcing his claim by bringing an action on the judgment.

Another most serious objection to the proposed legislation, so far as this Province is concerned, is this: when the law is changed and made uniform throughout Great Britain and the self-governing Dominions it will be a difficult matter to alter it without the consent of all parties, even if it is shown that the new law in its application and working is no improvement on the law now existing but quite the reverse. In this Province the Lieutenant-Governor-in-Council has the power to make rules relating to the practice and procedure in the Supreme Court and the rules so made have the force of law. Only last year the following rule respecting foreign judgments was made:—

"In any action on a foreign judgment, order, or decree, brought in any Court of British Columbia, the defendant, upon proof to the satisfaction of the Court or Judge that he has taken, or caused to be taken, an appeal or other proceeding in the nature thereof in respect of such judgment, order, or decree, shall be entitled, pending the determination of such appeal or other proceedings upon such terms (if any) as the Court or Judge may see fit to impose, to stay proceedings, and the application for such stay may be made in a summary way in Chambers at any stage of the action."

Rules of a similar nature may be made from time to time as may be required, and such rules may be made to apply to judgments obtained in the United Kingdom or in any or all of the Provinces of the Dominion or in any foreign country, as the circumstances in each case warrant. The extension of the provisions of any Imperial Statute to British Columbia would necessarily curtail the power of the Lieutenant-Governor-in-Council to make rules which he might consider would be of benefit to the residents of this Province and would substitute hard and fast legislation for the present elastic method of procedure.

Judgments recovered in England are now enforced in this Province in precisely the same way as judgments obtained in the neighbouring Province of Alberta and in the other Provinces of the Dominion, namely by suit brought in the Courts of British Columbia. It would appear to be a wise precaution on the part of this Province to insist that any reciprocal arrangement for the enforcement of judgments

should first be made between this Province and one or some or all of the other Provinces of the Dominion and the advantages of such an arrangement be made manifest, before any attempt is made to pass legislation hitting British Columbia for all time to a scheme which may work well enough in England and other parts of the Empire, but may be unsuited to present conditions here.

In view of the foregoing it is clear that British Columbia cannot consent, for the present at least, to become a party to the legislation suggested in the despatch above referred to.

I have, &c.,

W. J. BOWSER,

Attorney-General.

To His Honour
the Lieutenant-Governor.

SIR,

Government House, Edmonton, July 17th, 1913.

WITH reference to your letter of 27th March last and your telegram of the 18th instant, *re* enforcement of foreign judgments, I am enclosing letter from the Department of the Attorney-General in regard to this matter.

I have, &c.,

GEO. H. V. BULYEA,

Lieutenant-Governor.

The Honourable
the Secretary of State,
Ottawa.

Department of Attorney-General, Alberta,

Edmonton, July 17th, 1913.

YOUR HONOUR,

Re Enforcement of Foreign Judgments.

On the 3rd of May, 1912, I left for Ontario and returned to my office on the 22nd of the same month. On the 6th day of that month, Mr. Field, who was Acting Deputy Attorney-General, received and referred all the correspondence in this matter to the Honourable the Chief Justice in order to get his views on same. On the 9th of May, the Chief Justice wrote to the Department, and his letter was never brought to my attention, nor did I see same until your Secretary, Mr. Babbitt, called to-day with a wire from the Under-Secretary of State. I regret very much that you were not advised of the views of this Department long ago, and the only explanation I can make is that the Chief Clerk intended to draw my attention to the matter on my return from Ontario, but that he overlooked doing so. I might also mention, too, that no letter was received by this Department from you, from the Secretary of State, or from the Provincial Secretary on or about the 2nd of March, 1913.

I have perused all the correspondence touching this question, and provided all the Colonies are prepared to go as far as the Imperial Parliament is prepared to go, I see no reason why the matter cannot be worked out satisfactorily.

It seems to me, however, that an Act as general as the one relating to judgments of England, Scotland, and Ireland, a copy of which was forwarded to me, would be rather wider than is advisable. At the present time foreign judgments are treated within our jurisdiction as simple contract debts and are barred by the Statute of Limitations at the expiration of six years. Not all foreign judgments, British or otherwise, are recognised as judgments to which the Courts of the Province will give effect. It is settled now, too, that under certain circumstances in an action on a foreign judgment, the defendant will be permitted to go into the whole merits of the case. To give effect, therefore, in all other parts of the Empire absolutely to a judgment obtained in Alberta would go much farther than can be accomplished at the present time through the agency of our courts. For instance, under our procedure an action may be brought against a person who has never been in this Province, if he has property here of a certain value. Such a judgment as that would not be recognised by the courts of any other Province or State as a judgment to which effect

should be given by those courts, and I might cite other instances. Also, not infrequently a defendant is served substitutionally, and he may not know of a judgment obtained against him, to which he might have a good and valid defence, and it would be doubtful whether a judgment obtained under such circumstances should be given effect to absolutely throughout the Empire. These points ought to be considered, I think, in settling the terms of the arrangement proposed.

One of two plans suggests itself to me, namely, that the judgments to which effect should be given throughout the Empire upon simple registration should be only those which are certified to have been obtained after personal service made within the jurisdiction of the court within which the judgment was originally obtained, or, secondly, that provision should be made for the annulment of registration of a judgment upon the application of the defendant within a reasonable and fixed time after he becomes aware of such registration. Under the British Act it would appear that only one year is allowed within which to make registration. Possibly a further period within which leave might be granted might be fixed; even a period of six years.

It appears to me that legislation upon this subject should be fairly uniform, not merely in the Provinces of Canada, but throughout the Colonies generally, and no doubt such legislation might properly follow the lines of the Imperial Act, but in arriving at the general scope of the plan to be adopted I think the points I have suggested should be kept in view.

I have, &c.,
L. F. CLARRY,
Deputy Attorney-General.

His Honour
the Lieutenant-Governor,
Government House,
Edmonton, Alberta.

41241

No. 557.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st December, 1913.)

(No. 252.)

SIR, Governor-General's Office, Melbourne, 22nd October, 1913.
WITH reference to your despatch dated 27th March, 1912, No. 138,* respecting the resolution which was passed by the Imperial Conference in 1911, in favour of the mutual enforcement of judgments and orders of courts of justice, including judgments and orders as to commercial arbitration awards, I have the honour to inform you that the adoption of the principle embodied in the resolution is considered by my Ministers to be very desirable from an Australian point of view.

2. My Prime Minister advises that the Commonwealth Service and Execution of Process Act, Part IV., which deals with the execution in one of the Australian States of the judgments of the Courts of another State, has proved a very useful piece of legislation. There would seem to be no reason why legislation upon similar lines in the various self-governing Dominions of the British Empire should not be similarly beneficial.

3. So far as the Commonwealth is concerned, the Constitution provides (Section 71) that the judicial power of the Commonwealth shall be vested in:—

- (a) A Federal Supreme Court, to be called the High Court of Australia.
- (b) Such other Federal Courts as the Parliament creates; and
- (c) Such other Courts as it invests with Federal Jurisdiction.

4. The only Court which the Parliament has created up to the present is the Commonwealth Court of Conciliation and Arbitration. From the very nature of its jurisdiction it is extremely improbable that the occasion will arise for the enforcement of its judgments in any part of the Empire beyond Australia.

* No. 414 in Dominions No. 39.

5. So far, however, as the enforcement of judgments of the High Court is concerned, it is considered that the proposed legislation would be of advantage to Australia.

6. There may be some doubt whether the Commonwealth Parliament has any power to legislate for the enforcement in Federal Courts, of judgments of Courts of other portions of the Empire. At the most, such power must be limited to matters within the original jurisdiction of the Federal Court in which the judgment is to be enforced (see Sections 75 and 76 of the Constitution).

I have, &c.,
DENMAN,
Governor-General.

41241

No. 558.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 931.)	(Western Australia. No. 137.)
(Australia. No. 761.)	(Tasmania. No. 121.)
(New South Wales. No. 205.)	(New Zealand. No. 492.)
(Victoria. No. 150.)	(Union of South Africa. No. 564.)
(Queensland. No. 141.)	(Newfoundland. No. 349.)
(South Australia. No. 129.)	

SIR,
MY LORD,

WITH reference to

Governor, Western Australia, No. 34, 21st April, 1913.
Governor, Victoria, No. 30, 15th April, 1913.
Officer Administering the Government, Queensland, No. 21, 19th April, 1913.
Officer Administering the Government, Canada, No. 473, 21st July, 1913.
Governor-General, Canada, No. 665, 13th November, 1913.
Governor-General, Commonwealth, No. 252, 22nd October.

Downing Street, 17th December, 1913.

[your Royal Highness's despatch, No. 665, of the 13th November*],
[my telegram of the 28th November† and previous correspondence],
[my despatch, No. 51, of the 19th March‡],
[Sir J. Fuller's despatch, No. 30, of the 15th April§],
[Sir A. Morgan's despatch, No. 21, of the 19th April||],
[my despatch, No. 32, of the 19th March‡].

[your despatch, No. 34, of the 21st April*],
[my despatch, No. 36, of the 19th March‡],
[my despatch, No. 115, of the 19th March‡],
[my despatch, No. 121, of the 19th March‡],
[my despatch, No. 47, of the 21st February**].

I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, copies of the despatches†† noted in the margin on the subject of the enforcement throughout His Majesty's dominions, of judgments, orders of courts of justice, and arbitration awards arising out of commercial contracts.

I have, &c.,
L. HARCOURT.

40401

No. 559.

COLONIAL OFFICE to THE LORD CHANCELLOR.

SIR,

Downing Street, 17th December, 1913.

WITH reference to the letter from this Department of the 14th August,†† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord Chancellor, copies of despatches§§ from the Officer Administering the Government

* No. 556. † Reminder of No. 553. ‡ No. 545. § No. 548.
|| No. 550. ¶ No. 549. ** No. 543.
†† Nos. 549, 548, 550, 554, 556, and 557 (omitting Despatch from Dominion or State to which this is addressed).
‡‡ No. 555. §§ Nos. 550, 556, and 557.

of Queensland, and the Governors-General of Canada and the Commonwealth of Australia, on the subject of the enforcement throughout His Majesty's dominions of judgments, orders of courts of justice and arbitration awards arising out of commercial contracts.

I am, &c.,
H. W. JUST.

40401

No. 560.

COLONIAL OFFICE to BOARD OF TRADE.

Sir,

Downing Street, 18th December, 1913.

With reference to the letter from this Department of the 26th September,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Board of Trade, copies of despatches† from the Officer Administering the Government of Queensland, and the Governors-General of Canada and the Commonwealth of Australia, on the subject of the enforcement throughout His Majesty's dominions of judgments, orders of courts of justice, and arbitration awards arising out of commercial contracts.

2. With reference to the letter from this Office of the 5th of June,‡ in answer to your letter of the 10th of May,§ Mr. Harcourt would suggest that steps should now be taken to approach the Lord Chancellor and the Law Officers of the Crown with a view to the consideration of the form to be taken by the legislation of the United Kingdom which is necessary to give effect to the resolution of the Imperial Conference. I am to add that copies of all the replies have been communicated to the Lord Chancellor, and I am to enclose a complete set of the replies,|| in print, for communication to the Law Officers of the Crown.

I am, &c.,
H. W. JUST.

* 33197: not printed. † Nos. 550, 556, and 557. ‡ No. 551. § No. 547.
|| Nos. 557, 541, 548, 550, 540, 549, 537, 535, 531, 556, 542, and 533.

18.

(RESOLUTION XXVI.): SUEZ CANAL DUES.

29706

No. 561.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 665.)

(New Zealand. No. 276.)

(Australia. No. 388.)

(Newfoundland. No. 194.)

(Union of South Africa. No. 441.)

[SIR] [MY LORD] [SIR],

Downing Street, 25 September, 1912.

With reference to my despatch, No. [632] [329] [366] [262] [177], of the 28th July, 1911,* I have the honour to state, for the information of [Your Royal Highness's] [Your Excellency's] [your] Ministers, that the Suez Canal Company have decided to make a reduction in the Suez Canal transit dues by 50 centimes per ton from the 1st January next. The dues will thus be reduced to 6 francs 25 centimes per ton for loaded ships, and 3 francs 75 centimes per ton for ships in ballast.

I have, &c.,
L. HARCOURT.

* No. 417 in Dominions No. 39.

IMPERIAL EDUCATION CONFERENCE.

22049

No. 562.

VICTORIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received July 15, 1912.)

(No. 30.)

State Government House, Melbourne,

6th June, 1912.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch, No. 50, of the 19th April last,* and to inform you that my Government has decided to nominate the Agent-General for Victoria as its representative to serve on the Committee which it is proposed to establish in connection with the Imperial Education Conference.

I have, &c.,

JOHN FULLER.

(A copy of this despatch has been forwarded to the Governor-General.)

23330

No. 563.

BOARD OF EDUCATION to COLONIAL OFFICE.

(Received 25 July, 1912.)

[Answered by L.F. transmitting copy of No. 566.]

SIR,

Whitehall, London, S.W., 23rd July, 1912.

WITH reference to the last paragraph of the letter dated June 8th, 1912,† from the Secretary of State for External Affairs to the Governor-General of Canada, a copy of which was forwarded with Sir John Anderson's communication of the 10th instant (20667),‡ I am directed to inform you that the Board of Education were not aware that the various Provincial Governments of Canada had "accredited agents" in London such as they could conveniently nominate as representatives to serve on the Standing Committee in question. It appears, however, to the Board that the matter is not one on which they should express an opinion, but that it should rest with the Dominion Government to decide in consultation, if necessary, with the Provincial Governments.

I am, &c.,

H. FRANK HEATH.

23654

No. 564.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 29 July, 1912.)

[Copy to Board of Education, 6 August, 1912.]

(No. 118.)

SIR,

Governor-General's Office, Melbourne, 18th June, 1912.

REFERRING to your despatch, No. 176, dated 19th April last,* on the subject

* No. 433 in Dominions No. 39. † Enclosure in No. 435 in Dominions No. 39.

‡ Not printed.

of the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911, I have the honour to inform you that the Commonwealth Government will be represented at the meetings of the Committee referred to above by the High Commissioner for the Commonwealth in London or a suitable officer nominated by him.

I have, &c.,
DENMAN,
Governor-General.

23685

No. 565.

QUEENSLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 29 July, 1912.)

[Copy to Board of Education, 6 August, 1912.]

(No. 22.)

Sir, Government House, Brisbane, 20th June, 1912.
In reply to your despatch, No. 45, of the 19th of April last,* relative to the proposed establishment of a Standing Committee in connection with the Imperial Education Committee of 1911, I have the honour to inform you that the Agent-General for this State has been instructed to represent the Queensland Education Department thereon.

I have, &c.,
ARTHUR MORGAN,
Deputy Governor.

23330

No. 566.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Education, 1 August, 1912. L.F.]

[Answered by No. 575.]

(No. 521.)

Sir, Downing Street, 31 July, 1912.
I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch, No. 327, of the 8th of June,† reporting the nomination of the Right Honourable Lord Strathcona and Mount Royal, G.C.M.G., G.C.V.O., as the representative of the Dominion Government on the Standing Committee to be established in accordance with the Resolution of the Imperial Education Conference of 1911.

2. With reference to the last paragraph of the enclosure to your despatch, a copy of which I communicated to the Board of Education, I have to inform you that the Board would be glad if your Government would decide, if necessary in consultation with the Provincial Governments, the question of the representation of Provincial Governments on the Committee.

I have, &c.,
L. HARCOURT.

* No. 433 in Dominions No. 39.

† No. 435 in Dominions No. 39.

24503

No. 567.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5 August, 1912.)

[Copy to Board of Education, 9 August, 1912. L.F.]

(No. 23.)

Sir, Government House, Hobart, Tasmania, 27th June, 1912.
With reference to your despatch, No. 39, of 19th April, 1912,* transmitting copy of a letter from the Board of Education on the subject of the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911, and the nomination of an official to serve thereon by the Government of Tasmania, I have the honour to transmit the enclosed communication received from the Premier on the subject.

I have, &c.,
HARRY BARRON,
Governor.

(No copy to Governor-General.)

Enclosure in No. 567.

(167/1/12.)

YOUR EXCELLENCY, Premier's Office, Hobart, 21st June, 1912.
With reference to the accompanying despatch, No. 39, dated 19th April last, received from the Right Honourable the Secretary of State for the Colonies, relative to the establishment of a Standing Committee in accordance with the resolution of the Imperial Education Conference of 1911, I have the honour to inform Your Excellency that my Government desires to nominate Sir John McCall, Agent General for Tasmania in London, as the representative of this State on such Committee.

I have, &c.,
A. E. SOLOMON,
Premier.

His Excellency the
Governor of Tasmania.

24504

No. 568.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5 August, 1912.)

[Copy to Board of Education, 9 August, 1912. L.F.]

(No. 33.)

Sir, Government House, Adelaide, 2 July, 1912.
In reply to your despatch, No. 43, of 19th April last,* I have the honour to report that the Agent-General in London for South Australia has been nominated as the representative of this State on the Standing Committee in connection with the Imperial Education Conference of 1911.

I have, &c.,
DAY H. BOSANQUET,
Governor.

* No. 433 in Dominions No. 39.

25452

No. 569.

NEW SOUTH WALES.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 12 August, 1912.)

[Copy to Board of Education, 16 August, 1912. L.F.]

(No. 59.)

SIR,

State Government House, Sydney, 9th July, 1912.

WITH reference to your despatch of the 19th April last, No. 53,* on the subject of the proposed establishment of a Standing Committee in accordance with the resolution unanimously adopted by the Imperial Education Conference of 1911, and asking what official my Government proposes to nominate to serve on such Standing Committee, I have now the honour to inform you that the New South Wales Government has decided to nominate Mr. T. A. Coghlan, Agent-General for New South Wales in London.

Mr. Coghlan has been duly advised to this effect.

I have, &c.,

CHELMSFORD,

Governor.

(Copy not sent to Governor-General.)

27599

No. 570.

WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 2 September, 1912.)

[Copy to Board of Education, September 6, 1912. L.F.]

(No. 43.)

SIR,

Government House, Perth, Western Australia,

3rd August, 1912.

WITH reference to your despatch, No. 44, of the 19th April, 1912,* on the subject of the proposed establishment of a Standing Committee in accordance with the resolution adopted by the Imperial Education Conference of 1911, I have the honour to report that my Ministers have intimated that they desire to nominate Mr. Cyril Jackson as the representative for Western Australia on the Committee.

I have, &c.,

G. STRICKLAND,

Governor.

29259

No. 571.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11.5 a.m., 16th September, 1912.)

TELEGRAM.

[Copy to Board of Education, September 19, 1912. L.F.]

Your telegram 10th September.† Education Committee. My Government recommends High Commissioner for New Zealand to be appointed to act on standing committee in accordance with resolution of Education Imperial Conference last year.—ISLINGTON.

* No. 133 in Dominions No. 39.

† 27599: not printed.

153

No. 572.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Board of Education, January 10, 1913. L.F.]

[Answered by No. 574.]

(No. 31.)

SIR,

Downing Street, 9 January, 1913.

WITH reference to my despatch, No. 521, of the 31st of July last,* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of correspondence on the subject of the representation of the Province of Nova Scotia on the Advisory Committee for the Imperial Education Conference.

2. I shall be glad to learn the wishes of your Government in the matter.

I have, &c.,

L. HARCOURT.

Enclosure in No. 572.

DEAR SIR,

57A, Pall Mall, London, S.W., 13th December, 1912.

SOME time ago I received notification from the Nova Scotia Government that I had been appointed to represent the Council of Public Instruction of the Province of Nova Scotia on the proposed Committee for dealing with questions concerned with the future meetings of the Imperial Education Conference, and I shall be glad to know whether you have received official notification to that effect.

Yours faithfully,

J. HOWARD.

The Secretary,

Board of Education,

Whitehall, S.W.

IMPERIAL EDUCATION CONFERENCE.

(Advisory Committee.)

SIR,

Board of Education, Whitehall, London, S.W.

IN reply to your letter of the 13th instant, I am directed to state that the Board of Education have not yet received any official notification of your appointment to represent the Council of Public Instruction of the Province of Nova Scotia on the Committee of the Imperial Education Conference, but that they are making enquiries on the subject through the usual official channel, and a further communication will be addressed to you in due course.

I am, &c.,

H. FRANK HEATH.

J. Howard, Esq.,

57A, Pall Mall, S.W.

Education Office, Nova Scotia,

Halifax, N.S., December 21st, 1912.

SIR,

I AM to-day in receipt of a letter from Mr. John Howard, Agent-General of Nova Scotia, in London, stating that he had received no notification of the meeting of the Advisory Committee of the Imperial Education Conference. The Deputy Provincial Secretary here thought that I might inform you that Mr. John Howard was appointed to represent the Council of Public Instruction (the Government) of the Province of Nova Scotia on the Committee referred to by the Secretary of your Board of Education in his letter of the 27th September.

* No. 566.

The intimation of the appointment was transmitted to the Lieutenant-Governor of the Province on the 12th of October for transmission in the usual manner to the Secretary of the Board of Education in London. There may have been an accident in the transmission of this information, which may account for the fact that Mr. Howard was not notified of the last meeting of the Committee. If there has been any defect in the formal transmission of this information, perhaps you could suggest how the matter may be most promptly put right.

I have, &c.,

A. H. MACKAY,
Superintendent of Education and
Secretary for Council of Public Instruction.

Dr. H. Frank Heath,
Director, Special Inquiries and Reports,
Board of Education, Whitehall,
London, S.W., England.

2905

No. 573.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25 January, 1913.)

[Copy to Board of Education, February 4, 1913. L.F.]

(No. 2.)

SIR, Government House, St. John's, 5th January, 1913.
REFERRING to your despatch, No. 78, of the 19th April, 1912,* on the subject of the proposed establishment of a Standing Committee in accordance with the resolution of the Imperial Education Conference of 1911, I have the honour to inform you that my Ministers are not prepared, at the present time, to appoint a representative from the Colony to serve on the Committee.

I have, &c.,

RALPH WILLIAMS.

4900

No. 574.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11 February, 1913.)

[Copy to Board of Education, February 12, 1913. L.F.]

(No. 44.)

SIR, Government House, Ottawa, 30 January, 1913.
I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of External Affairs, dated 27 January, 1913, respecting the representation of the Provinces of Nova Scotia and Quebec on the Advisory Committee for the Imperial Education Conference.

Reference to previous despatch: Colonial Office, No. 31, 9 January, 1913.†

I have, &c.,

ARTHUR.

* No. 433 in Dominions No. 29.

† No. 572.

Enclosure in No. 574.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 27th January, 1913.

WITH reference to the despatch to His Royal Highness from the Secretary of State for the Colonies, No. 31, of the 9th instant, on the subject of the representation of the Province of Nova Scotia on the Advisory Committee for the Imperial Education Conference, I have the honour to state, for His Royal Highness's information, that notification has been received of the appointment of Mr. John Howard, Agent-General for Nova Scotia in London, to represent that Province, and, further, of the appointment of Mr. P. Pelletier, its Agent-General in London, to represent the Province of Quebec; and I am to suggest that Mr. Harcourt be so informed.

I have, &c.,

W. H. WALKER,
Acting Under-Secretary of State
for External Affairs.

15738

No. 575.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9 May, 1913.)

[Copy to Board of Education, 15 May, 1913. L.F.]

(No. 299.)

SIR,

Government House, Ottawa, 29 April, 1913.

I HAVE the honour to forward, herewith, for your information, copies of a letter from the Department of External Affairs, dated 26th April, 1913, respecting the representation of the Provincial Governments on the Standing Committee to be established in accordance with the Resolution of the Imperial Education Conference of 1911.

Reference to previous despatch, Colonial Office, No. 521, 31 July, 1912.*

I have, &c.,

C. FITZPATRICK,
Administrator.

Enclosure in No. 575.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 26th April, 1913.

WITH reference to the despatch to His Royal Highness from the Secretary of State for the Colonies, No. 521, of the 31st July, 1912, in regard to the representation of the Provincial Governments on the Standing Committee to be established in accordance with the Resolution of the Imperial Education Conference of 1911, I have the honour to state that the following representatives have been nominated:—

By the Lieutenant-Governor of Ontario—

The Honourable R. A. Pyne, M.D., LL.D., Minister of Education.

By the Lieutenant-Governor of Nova Scotia—

John Howard, Esq., Agent-General of the Province in London.

By the Lieutenant-Governor of Quebec—

P. Pelletier, Esq., Agent-General of the Province in London.

The Lieutenant-Governors of Prince Edward Island, Manitoba, and Alberta have reported that it is not the intention of their Governments to appoint a representative. The Lieutenant-Governors of British Columbia and of Saskatchewan remain to be heard from.

* No. 566.

It may be stated that the attention of the Lieutenant-Governor of Ontario was drawn to the fact that the letter of the Board of Education of the 3rd April, 1912, seemed to contemplate the appointment of a representative resident in London, but the Ontario Government considered that the nomination of Dr. Pyne was in conformity with the objects aimed at in the establishment of the Committee.

I am to suggest that His Excellency the Administrator be humbly moved to communicate the substance of the foregoing to the Secretary of State for the Colonies.

I have, &c.,

W. H. WALKER,

Acting Under-Secretary of State
for External Affairs.

Co 886/6/3

Dominions
No. 46.

CONFIDENTIAL.

CORRESPONDENCE

[March, 1911, to December, 1912]

RELATING TO

NAVAL AND MILITARY DEFENCE.

(For previous correspondence, see Dominions No. 19 ; continued by Dominions No. 47.)

TABLE OF CONTENTS.

(Note: The correspondence is arranged in three sections.)

I.—Status of Dominions Navies.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
1	The Governor-General.	Canada, 122.	March 8 (Rec. Mar. 18.)	Transmits copy of Privy Council Minute, stating that his Ministers desire that the official title of the naval forces of Canada shall be "The Royal Canadian Navy."	1
2	To Admiralty ...	Canada	March 29	Transmits, for consideration, copy of No. 1.	2
3	High Commissioner for the Commonwealth of Australia.	Australia	June 28	Reports that his Government has suggested that the Permanent Naval Forces of the Commonwealth should be permitted to adopt the designation of "Australian Royal Navy," and the citizen forces that of the "Australian Royal Naval Reserve."	2
4	To Admiralty ...	Australia	July 4	Transmits copy of No. 3, and enquires what answer should be returned.	2
5	Admiralty ...	Confidential.	July 8	Transmits copy of memorandum on results of conferences between Admiralty and representatives of Canada and Australia; encloses copy of Naval Discipline Bill; concurs in title "Royal" for Canadian and Australian Navies; and states that the title for Australian Naval Reserve is under consideration.	3
6	To the Governor-General.	Canada, Telegram	July 11	Requests that Mr. Brodeur may be informed that Admiralty understood that publication of arrangement in regard to Dominion Naval Forces could be settled as in 1909; and that in the meantime terms would not be made public; states that proposed time of publication will be communicated later.	4
7	To the Governors-General and Governors.	Canada, 573, Australia, 201, New Zealand, 291, Union of South Africa, 323, Newfoundland, 155.	July 14	Transmits copies of a Memorandum of Conferences on the subject of the status of Dominion Navies, discusses question of simultaneous publication.	4
8	The Governor-General.	Canada, Telegram	(Rec. July 26.)	States that Prime Minister wishes to lay enclosure in No. 7 before Parliament immediately, and without waiting until it reaches Australia.	5
9	Ditto	Canada, Telegram	(Rec. July 26.)	Explains that the Prime Minister is anxious to lay the Naval Memorandum before Parliament at once, as it may be necessary for him to advise dissolution immediately.	5

Serial No.	From or to whom	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
10	The Governor-General.	Canada, Telegram	(Rec. July 27.)	Enquires whether there is any objection to immediate presentation to Parliament of the Naval Memorandum and also the report of Committee on Military Defence.	5
11	To the Governor-General.	Canada, Telegram	July 27	States that Mr. Fisher at Colombo has been asked by telegraph to agree to immediate publication of Naval Memorandum in Canada, and that his reply will be communicated at once.	6
12	Ditto ...	Canada, Telegram	July 27	Informis him that the Secretary of State is prepared to acquiesce in immediate publication of both papers in Canada and that Mr. Fisher has been so informed.	6
13	To the Prime Minister of the Commonwealth of Australia (at Ceylon).	Australia, Telegram.	July 27	Explains that, in view of the wish of the Prime Minister of Canada to lay before the Dominion Parliament at once memorandum as to naval agreement, report of Committee on Military Defence, and report of proceedings of Imperial Conference, papers will be published in London on 30th July.	6
14	Ditto ...	Australia, Telegram.	July 28	Explains purport of No. 15 ...	7
15	To the Governor-General.	Australia, Telegram.	July 28	Explains that the Prime Minister of Canada has asked permission to publish immediately the papers relating to naval affairs and the proceedings of the Imperial Conference, that his request has been complied with, and that the papers will be published in London on 30th; points out that papers can be published in Australia on the arrival of Mr. Pearce.	7
16	The Prime Minister of the Commonwealth of Australia (at Ceylon).	Australia, Telegram.	(Rec. July 28)	Agrees to publication of papers relating to naval agreement; presumes that full text will be cabled at once to Governor-General for publication in Australia.	7
17	To the Governor-General.	Australia, Telegram.	July 29	Embodies text of memorandum of naval conferences for publication in Australia.	8
18	To Admiralty ...	—	July 29	Transmits copies of Nos. 7 to 9 and 11 to 13.	8
19	To the Governors and Governor-General.	New Zealand, Newfoundland, Union of South Africa.	August 3	States that on urgent representations from Government of Canada, and with concurrence of Prime Minister of Australia, the Memorandum of Naval Conferences and the report of Committee on Military Defence have been published.	8
20	To the Governor-General.	Canada, 681.	August 16	States that the King has approved of the naval forces of Canada receiving the style of the Royal Canadian Navy and of the ships of the Navy being designated as His Majesty's Canadian ships.	9

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
21	To the Governor-General.	Australia, 337.	August 16	Transmits copy of No. 3, and states that the King has approved of the naval forces of the Commonwealth being designated the Royal Australian Navy and the Royal Australian Naval Reserve.	9
22	To the High Commissioner for the Commonwealth of Australia.	Australia.	August 16	Transmits copy of No. 21	9
23	The Acting Governor.	Newfoundland, 70.	August 14 (Rec. Aug. 28.)	Forwards letter from Prime Minister taking exception to the inclusion of Newfoundland waters in the Canada Naval Station, and suggesting that it be made clear to the Canadian Government that their zone of operations must not encroach on Newfoundland waters.	10
24	To the Acting Governor.	Newfoundland, 215.	September 13	Explains that, in defining the limits of the Canadian Naval Station, Newfoundland waters were expressly excluded, and that there was no intention to alter the present position with regard to the jurisdiction of the Government of Newfoundland over its territorial waters.	11
25	To the Governor-General.	Canada, 756.	September 13	Forwards copies of Nos. 23 and 24 ...	12
26	To Admiralty ...	—	October 12	Enquires whether the terms of the Bill to carry out the arrangements as to naval matters agreed upon at the Imperial Conference have yet been settled; asks to see the Bill in good time before it is presented to Parliament, in order that it may be considered from the point of view of the constitutional position of the Dominions.	12
27	Ditto	—	November 2	Enquires whether the Lords Commissioners have considered whether it will be necessary to make any communication to foreign Governments on the status of the fleets of Canada and Australia.	12
28	Foreign Office ...	—	November 13	Encloses memorandum from the Netherlands Embassy respecting the reply which the Netherlands Government proposes to return to a parliamentary paper in which the opinion is expressed that the Canadian and Australian fleets form a part of the British navy, and that the responsibility for their action rests upon His Majesty's Government; proposes to inform the Embassy that proposed reply is correct.	13
29	Admiralty	—	November 16	Forwards, in reply to No. 26, copy of the Bill; states that its terms were discussed with Ministers representing Canada and Australia, and it was agreed to proceed with it at an early date, and that it should not touch the question of the power of the Dominions to legislate with respect to discipline of their navies outside limits of the Dominion.	13

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1911.		
30	To Foreign Office...	—	November 16	Agrees, in reply to No. 28, that the statement which the Netherlands Government propose to make is correct.	15
31	To the Governors-General.	Canada, Confidential, 2, Australia, Confidential.	November 17	Forwards copies of the Bill enclosed in No. 29 and asks for Minister's observations, if any, by telegraph.	15
32	The Governor-General.	Canada, Telegram.	(Rec. Dec. 6.)	States, in reply to No. 31, that Ministers have no objection to the wording of the Bill, but suggest amendment providing for the delegation of powers of Governor-General.	15
33	To the Governor-General.	Canada, Telegram.	December 11	Accepts alteration proposed in No. 32, and states that the Bill will probably be passed during the present session of Parliament.	16
34	Ditto	Australia, Telegram.	December 11	States that the Naval Discipline Bill has been introduced into Parliament with the alterations indicated and will probably be passed during present session; asks for observations of Ministers by telegraph.	16
35	The Governor-General.	Australia, Telegram.	(Rec. Dec. 15.)	Reports that the Government accept amendments of draft Naval Discipline Bill.	16
36	To the Governors-General.	Canada, 976, Australia, 337.	December 15	Transmits copies of the Naval Discipline (Dominion Naval Forces) Bill as introduced into the Imperial Parliament.	17
37	To the Governor-General and Governors.	New Zealand, 401, Union of South Africa, 640, Newfoundland, 290.	December 15	Ditto.	17
			1912.		
38	The Governor-General.	Canada, Confidential.	Dec. 23, 1911, (Rec. Jan. 4, 1912.)	Forwards minute of Privy Council on the subject of the flag which it is proposed that Naval ships of the Dominion shall fly.	17
39	To the Governor-General and Governors.	New Zealand, 4, Union of South Africa, 7, Newfoundland, 5.	January 6	Transmits copies of the Naval Discipline (Dominion Naval Forces) Act, 1911, of the Imperial Parliament.	18
40	To the Governors-General.	Canada, 10, Australia, 11.	January 6	Transmits copies of the Naval Discipline (Dominion Naval Forces) Act of the Imperial Parliament, and points out that the Act will not come into operation, in relation to the ships and forces of a self-governing Dominion, unless provision to that effect is made in the Dominion.	19

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
41	To Admiralty ...	Australia	January 20	Forwards for observations copy of the Australian Bill to amend the Naval Defence Act, 1910; points out that Bill does not provide for the application of the Naval Discipline Act, 1911, and presumes it will be necessary for further legislation on this point to be passed this year.	19
42	The Governor-General.	Australia, Telegram.	(Rec. Feb. 13)	Reports ratification by his Ministers of the Naval Agreement come to at the Conference between Admiralty and the representatives of Canada and Australia.	20
43	Admiralty ...	—	March 28	Transmits draft of instructions to be issued to officers of the Royal Navy and the Royal Dominion Navies in order to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to each other, and suggests their adoption by the Governments of Australia and Canada.	20
44	To Admiralty ...	—	April 11	Enquires whether Admiralty consider it desirable to communicate the draft instructions enclosed in No. 43 to the Governments of Canada and Australia, in view of the fact that the necessary legislation has not yet been passed by those Governments.	22
45	Admiralty ...	—	May 14	States reasons for considering that the draft instructions enclosed in No. 43 should be communicated to the Governments of Australia and Canada without delay, but agrees in the desirability of drawing attention to the legal effect of sub-section 2 of clause 1 of the Naval Discipline (Dominion Naval Forces) Act.	23
46	To Admiralty ...	—	May 27	Transmits, in reply to No. 45, draft of a despatch to the Governors-General of Canada and Australia.	23
47	Admiralty ...	—	June 10	Concurs generally in draft despatch enclosed in No. 46 subject to the modification indicated.	24
48	To the Governors-General.	Canada, 426. Australia, 265.	June 22	Suggests desirability of passing legislation to make the provisions of the Naval Discipline Act apply to the Dominions, and encloses for observations copy of draft instructions prepared by the Admiralty to be issued to officers of the Royal Navy, and of the Royal Canadian and Australian Navies, in order to regulate the application of the Act to the officers and men of the various services in relation to each other.	24
49	To Admiralty ...	—	June 29	Transmits copies of No. 48, and observes that it does not seem possible to avoid the subject of the extent to which the Australian Act, 1911, carries out the agreement arrived at at the Conference forming the subject of official correspondence.	25

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
50	The Governor-General.	Australia, Telegram.	(Rec. July 4.)	Reports desire of Ministers to be permitted personally to confer on Naval Commander-in-Chief certain powers of command for purposes of discipline and training under the Commonwealth Government and the Naval Board.	25
51	Ditto	Australia, Secret.	June 25 (Rec. Aug. 5.)	Submits proposals of Ministers for placing the naval forces of the Commonwealth at the disposal of the Admiralty in the most expeditious manner in time of emergency or war.	26
52	To Admiralty ...	Australia	August 14	Transmits copy of No. 51, and asks for replies to Nos. 49 and 50.	27
53	To the Governor-General.	Australia, Secret (2).	August 16	States that the Admiralty are being consulted as to his proposals in Nos. 50 and 51, and that a further communication will be made.	27
54	To the Governors-General.	Canada, Australia, Confidential.	August 17	Forwards a Memorandum setting forth the desirability of making the form of Commission issued to Naval Officers in the Dominion Navies, as far as possible the same as that issued to Officers of the Royal Navy, and asks whether Ministers concur.	28
55	Admiralty ...	Australia	August 23	Embodies telegram to be sent to the Governor-General in reply to No. 50.	30
56	To Admiralty ...	Australia	August 28	Asks to be informed of the nature of the explanation received from the Commander-in-Chief referred to in No. 55, and whether the views of the Admiralty are affected by the information transmitted in No. 51.	30
57	Admiralty ...	Australia	August 29	States that the views of the Admiralty are not affected by the information contained in No. 51, and gives the Commander-in-Chief's explanation of the reference to "training" in No. 50.	31
57A	The Governor-General.	Canada, 462.	August 23 (Rec. Sept. 3.)	Forwards a copy of a letter from the Department of External Affairs drawing attention to an alleged conflict between Article 122 of the King's Regulations and Admiralty Instructions and the second paragraph of the Secretary of State's despatch No. 167 of the 16th December, 1865, as to the wearing of flags.	31
58	To Admiralty ...	Australia	September 5	Points out objections to the draft telegram to the Governor-General, enclosed in No. 53, as the Naval Discipline Act does not yet apply to the Dominion, and suggests that he be informed that the Admiralty have no objection to the grant of the proposed powers to the Naval Commander-in-Chief, and that they presume that the relations of the Imperial and Australian forces will, as far as practicable, be governed by the Agreement of 1911.	32
58A	Ditto ...	Canada	September 10	Transmits a copy of the enclosure in No. 57A together with an extract from the despatch referred to therein; and enquires what answer should be returned.	33

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
59	Admiralty	Australia	September 18	Concurs in terms of the proposed reply to the Governor-General, contained in No. 58.	33
60	To the Governor-General.	Australia, Telegram.	September 21	States, in reply to No. 50, that the Admiralty concur in the proposal to confer powers of command on the Naval Commander-in-Chief, and assume that the relations of the Imperial and Australian forces will, so far as practicable, be governed by the Agreement of 1911.	34
61	The Governor-General.	Australia, Telegram.	(Recd. Nov. 6.)	Requests telegraphic reply to No. 51.	34
62	Admiralty	Australia, Confidential.	November 8	Transmits, in reply to No. 52, copies of telegraphic correspondence with the Commander-in-Chief, Australia, on the subject of the relations of the Commonwealth Naval Service with the Admiralty in time of war.	34
63	To the Governor-General.	Australia, Telegram.	November 8	States, in reply to No. 61, that Mr. Harcourt is still in communication with the Admiralty and will reply as soon as possible.	35
64	Ditto	Australia, Telegram.	November 8	Communicates text of a telegram sent direct from the Admiralty to the Naval Commander-in-Chief, as to the disposition of the Australian Navy in time of war.	36
65	The Governor-General.	Australia, Telegram.	(Recd. Nov. 11.)	Conveys message to Mr. Churchill regretting that his statement, as First Lord of the Admiralty, at the Guildhall banquet that the Australian Navy would be controlled by the Admiralty in time of war, went beyond the words used by the Prime Minister, and also beyond what is warranted in No. 51; and suggests that statements at home should not in future go beyond a reference to readiness to co-operate with the Imperial Navy.	36
66	To the Governor-General.	Australia, Telegram.	November 11	States, with reference to No. 65, that the statement of the naval position as defined by the Australian Prime Minister is fully accepted by the First Lord of the Admiralty, who regrets any misunderstanding which may have arisen, and will take an opportunity of putting the matter right in this country.	37
67	To Admiralty	Australia Confidential.	November 13	Transmits copies of Nos. 61 and 63 to 66	37
68	Admiralty	Australia, Confidential.	November 14	Encloses a draft telegram to be sent on behalf of the Admiralty to the Governor-General (see No. 71).	37
69	To Admiralty	Australia, Confidential.	November 14	Transmits a copy of a telegram from the Governor-General on the subject of the Australian navy; expresses the strong opinion that a communication of so important a political character should not have been made otherwise than through the Secretary of State for the Colonies, and that the conditions governing communications through the High Commissioner now under consideration should be framed so as to prevent a recurrence of such an incident.	38

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
70	To the Governor-General.	Australia, Telegram, Secret.	November 14	States that the message from the High Commissioner referred to in his telegram of the 13th November was sent at the request of the Admiralty and is correct except for the words indicated, and states that the method of communication through the High Commissioner is under discussion with the Admiralty.	38
71	Ditto	Australia, Telegram.	November 14	States that the telegrams in the possession of the Commander-in-Chief will show how the misunderstanding, referred to in Nos. 51 and 66, arose at the Admiralty; it is important to avoid the appearance of a divergence between the views of the Admiralty and the Commonwealth, and the First Lord requests, therefore, that the Prime Minister might suggest the form of words which would best meet the case, while safeguarding the Commonwealth position.	38
72	The Governor-General.	Australia, Telegram.	(Rec. Nov. 15.)	States that the Prime Minister considers that no good purpose would be served by Mr. Churchill explaining his statement at the Lord Mayor's banquet, since the position of the Commonwealth Government is now recognised by him; so far, no question on the subject has arisen in Parliament and no political inconvenience is now likely to arise.	39
73	To Admiralty	Australia	November 15	States that the Governor-General of Australia has been communicated with in the terms suggested in No. 68.	39
74	Ditto	Australia	November 16	Transmits copy of No. 72	39
75	To the Governor-General.	Australia, Telegram.	November 16	States, with reference to No. 72, that the Admiralty and the First Lord are greatly obliged for his Ministers' consideration and assistance.	40
76	Admiralty	Australia, Confidential.	November 18	Submits a revised procedure by which, in time of emergency or war, the Commonwealth Naval Service could be placed under the control of the Admiralty.	40
77	To Admiralty	Australia, Confidential.	November 22	Points out that the changes proposed in No. 76 to the outline of procedure submitted by the Commonwealth Government are open to grave objection on constitutional grounds, and suggests restoration of certain paragraphs to their original form; fears that grave inconvenience may arise unless steps are at once taken to place the legal position of the control of the Australian Navy by the Admiralty in time of war or emergency on a proper basis.	41
78	The Governor-General.	Australia, Confidential (2).	October 22 (Rec. Dec. 2.)	Reports that his Government concurs in the proposal in No. 54 as to the form of commission for naval officers.	42

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
79	Admiralty ...	Australia, Confidential.	December 3	Observes, in reply to No. 77, that the Secretary of State has apparently misunderstood the intention of the proposed modifications; and submits explanations. Suggests addition of words to make it clear that the instructions would not come into operation until the Commonwealth Government had consented.	42
80	To the Governor-General.	Australia, Telegram.	December 4	States that the Admiralty would be glad to learn as early as possible whether steps have been taken to bring the Naval Discipline Act, 1911, into operation with regard to Australian ships.	43
81	The Governor-General.	Australia, Telegram.	(Rec. Dec. 5)	Reports that a Bill will be presented to Parliament applying the Imperial Act to the ships of the Commonwealth; and that the Government concurs in the draft instructions referred to in No. 48.	44
82	To Admiralty ...	Australia	December 6	Transmits copies of Nos. 80 and 81.	44
83	To the Governor-General.	Australia, Secret.	December 6	Transmits copies of Nos. 76 and 79, and a modified form of No. 77, and requests Ministers' observations.	44
84	The Governor-General.	Australia, 244.	November 4 (Rec. Dec. 16.)	Reports that a Bill will be introduced to apply the Imperial Naval Discipline Act to the Commonwealth Naval Forces and Ships; and that the Commonwealth Government concurs in the draft instructions enclosed in No. 48.	45
85	To the Governor-General.	Canada, 891.	December 27	Transmits a copy of No. 84 ...	45

II. Defence Policy and Representation of the Dominions on the Committee of Imperial Defence.

[See also [Cd. 6513] (Naval Defence Requirements: Memorandum for Government of Canada) and [Cd. 6560] (Representation of the Self-governing Dominions on the Committee of Imperial Defence.)]

1911.					
86	To the Governors-General and Governors.	Canada, 574, Australia, 292, New Zealand, 330, Union of South Africa, 321, Newfoundland, 156.	July 14	Transmits copy of the report of the Committee of the Imperial Conference convened to discuss military defence at the War Office; which was approved by the Conference; and states that the date of publication will be made known by telegraph.	46
87	Ditto ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland, Confidential.	July 26	Transmits copy of Memorandum (No. 444a) on the subject of the title and constitution of the Overseas Defence Committee.	46

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
88	The Governor-General.	Canada, Secret.	October 24 (Rec. Nov. 4.)	Forwards copy of a leading article from the "Montreal Daily Star" advocating the abolition of the existing Canadian Navy and the payment instead of a substantial direct cash contribution to the British Navy.	46
89	Ditto ...	Canada, Secret.	November 7 (Rec. Nov. 20.)	Transmits copy of a further article from the "Montreal Daily Star" on the subject of the existing Canadian Navy and the possibility of substituting a direct contribution to the British Navy.	49
1912.					
90	The Governor ...	New Zealand, Telegram.	(Rec. Sept. 30)	Reports that his Government request information as to the future naval policy of the Imperial Government in the Pacific, especially with regard to the question of naval bases and the proposed Commonwealth Navy.	51
91	To Admiralty ...	New Zealand	October 2	Transmits a copy of No. 90, and enquires what reply should be returned.	51
92	To the Governors-General and Governors.	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Telegram.	October 29	Communicates an extract from a speech by the Secretary of State, regarding co-operation with the Dominions in matters of defence, and continuous representation of the Dominions upon the Committee of Imperial Defence.	51
93	The Governor ...	New Zealand, Telegram.	(Rec. Nov. 5.)	States, in reply to No. 92, that the extract from Mr. Haccourt's speech was read by his Government with very great interest and pleasure, and that the views expressed will receive careful consideration.	52
94	The Governor-General.	Canada, 660.	December 6 (Rec. Dec. 16.)	Reports the introduction of the Naval Bill into the House of Commons.	52
95	Ditto	Australia, Telegram.	(Rec. Dec. 19.)	Suggests, with reference to Secretary of State's telegram of 10th December, that a subsidiary conference should be convened in Australia in January or February, 1913, as it is impracticable for any Commonwealth Ministers to visit England during the ensuing year; and states that if this is not practicable Ministers would be prepared to attend a conference in New Zealand, South Africa or Vancouver, Canada.	52
96	—	—	—	Statement showing population and naval and military expenditure of the United Kingdom, India, and Dominions.	53

III.—Imperial General Staff.

1911.					
97	The Governor-General.	Canada, 532.	October 3 (Rec. Oct. 14.)	Transmits copy of a letter from the department of Militia and Defence, recommending Major P. E. Thacker be the Canadian representative on the Dominions Section of the Imperial General Staff.	56

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1911.					
98	To the Governors-General and Governor.	Australia, 502, New Zealand, 388, Union of South Africa, 613.	November 21	States that Lt.-Colonel P. E. Thacker has been appointed representative of Canada on the Imperial General Staff and will take up his duties on 1st April, 1912; adds that arrangements have been made for accommodating in the War Office the Officers forming the Dominion Section.	57
99	The Governor-General.	Australia, 204.	November 3 (Rec. Dec. 2.)	Ministers enquire whether it is intended that no provision should be made for reception of Australian officer at Quetta Staff College; they consider that provision should be made on scale similar to that recommended for Camberley.	57
100	To War Office ...	—	December 23	Transmits copy of No. 99, presumes that point raised by Australian Government should be considered by the Army Council.	58
101	To India Office ...	—	December 23	Transmits copy of Nos. 99 and 100.	58
1912.					
102	War Office ...	—	January 5	Points out, in reply to No. 100, that only one Australian Officer has been admitted to the Quetta Staff College and, so far as is known, only one refused; if additional accommodation is required, favours its provision on an adequate scale, but this is a matter for India Office and Indian Government.	59
103	To India Office ...	—	January 9	Presumes that the views of the Secretary of State for India upon the proposal to provide extra accommodation at Quetta Staff College for officers from the overseas Dominions will in due course be received.	59
104	India Office ...	—	January 25	States, in reply to No. 101, that the Indian Government will be asked to consider the provision of further accommodation at Quetta Staff College, and to submit proposals as to contributions from Dominions; asks what number of officers Australia and New Zealand would desire to send annually.	60
105	The Governor-General.	Australia, Telegram.	(Rec. Jan. 26)	Nominates Lieut.-Colonel Legge as Australian representative on the Imperial General Staff; requests that War Office will select a General Staff Officer, 2nd Grade, as Director of Military Training on the departure of Lieut.-Colonel Wilson from Australia; enquires what salary should be provided, and states that salary and expenses will be paid by the Australian Government.	60
106	To the Governor-General.	Australia, 45.	January 31	Inform him that Indian Government will be requested to consider the provision of further accommodation at Quetta Staff College, but will desire to know what number of officers will be sent from the Dominions annually, and asks that this information may be supplied so far as concerns the Commonwealth.	60

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1912.					
107	To the Governor ...	New Zealand, 35.	January 31	Transmits copies of Nos. 99 and 106, and asks what number of officers his Government would desire annually to send to Quetta Staff College.	61
108	To the Governor-General.	Australia, Telegram.	February 23	States that Army Council will be glad to receive Lieut.-Colonel Legge as representative of Australia in the Dominion Section of the Imperial General Staff.	61
109	To the Governors-General and Governor.	Canada, 152, New Zealand, 67, Union of South Africa, 97.	February 29	Inform them of the appointment of Lieut.-Colonel J. G. Legge, as representative of Australia in the Dominion Section, Imperial General Staff.	61
110	The Governor ...	New Zealand, 39.	March 20 (Rec. April 27.)	Reports that Colonel A. W. Robin has been selected as New Zealand representative on the Imperial General Staff, and will arrive in England about the middle of June.	62
111	The Governor-General.	Australia, 54.	March 28 (Rec. May 6.)	States, in reply to No. 106, that the Commonwealth Government desires to send one officer annually to undergo the two years' course of instruction at the College.	62
112	To War Office ...	New Zealand.	May 8	Transmits copy of No. 110 and asks what reply should be returned.	63
113	The Governor ...	New Zealand, Telegram.	(Rec. May 9.)	States, in reply to No. 107, that his Government propose to send two officers annually to the Quetta Staff College.	63
114	War Office ...	New Zealand.	May 11	States that the War Office will be glad to receive Colonel Robin.	63
115	To India Office ...	—	May 11	Transmits copies of Nos. 111 and 113, and asks whether it is possible to meet the wishes of the Commonwealth and New Zealand Governments in the matter.	63
116	To the Governor-General.	Canada, 339, Australia, 297, Union of South Africa, 238.	May 17	Requests them to inform Ministers of the appointment of Colonel Robin as the representative of the General Staff of New Zealand in the Dominion Section of the Imperial General Staff.	64
117	To the Governor ...	New Zealand, 146.	May 17	Inform him, in reply to No. 110, that the War Office will be glad to receive Colonel Robin.	64
118	War Office ...	—	August 17	Reports the formation of a Dominion Section of the Imperial General Staff, and encloses a copy of instructions issued for the guidance of members of it.	64
119	To the Governor ...	Newfoundland, 176.	August 26	Transmits copy of No. 118.	66

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1912.		
120	To the Governor-General and Governor.	Canada, 503, Australia, 353, New Zealand, 249, Union of South Africa, 409.	August 26	Transmits copy of No. 118	66
121	The Governor-General.	Australia, 204.	September 17 (Rec. Oct. 26.)	Forwards a copy of a despatch from the Prime Minister showing that steps have been taken for observing the correct channel of communication with His Majesty's Government in future.	66
122	Ditto ...	Australia, 207.	September 20 (Rec. Nov. 4.)	Transmits, for the consideration and concurrence of the chief of the Imperial General Staff, a memorandum by the Prime Minister on the subject of the duties of the Commonwealth representative on the Central Section of the Imperial General Staff.	67
123	The Governor-General.	Australia, Secret.	September 20 (Rec. Nov. 4.)	Reports, with reference to No. 122, that, as a result of an objection taken by him, the memorandum enclosed therein has been submitted in substitution for one in which a proposal was made for the establishment of an arrangement by which all negotiations with respect to military matters should be conducted direct with the Chief of the Imperial General Staff.	69
124	To War Office ...	Australia	November 12	Transmits a copy of No. 123 and points out that it was written before the receipt of No. 120.	70
125	Ditto ...	Australia, Secret.	November 12	Transmits, with reference to No. 124, a copy of No. 123; refers to No. 121, and points out that there is clearly some discrepancy between the terms of that communication and of the communications indicated.	70

CORRESPONDENCE

RELATING TO

NAVAL AND MILITARY DEFENCE.

[NOTE.—The Correspondence is arranged in Three Sections.]

I.—Status of Dominions Navies.

8821

No. 1.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18 March, 1911.)

[Answered by No. 20.]

(No. 122.)

Sir,

Government House, Ottawa, 8 March, 1911.

I HAVE the honour to transmit, with the request that the pleasure of His Majesty may be ascertained in the matter, copies of an approved minute of His Majesty's Privy Council for Canada, stating the humble desire of my responsible advisers that the official title of the "Naval Forces of Canada" shall be "The Royal Canadian Navy."

I have, &c.,
GREY.

Enclosure in No. 1.

CERTIFIED COPY of a report of the Committee of the Privy Council, approved by His Excellency the Governor-General on the 3rd March, 1911.

(P.C. 224.)

The Committee of the Privy Council have had before them a report, dated 1st February, 1911, from the Secretary of State for External Affairs, representing that, with a view to promote the dignity and importance of the Canadian Navy, and to emphasize the fact that the command-in-chief thereof is vested in the King, Your Excellency's advisers humbly desire that the official title of the "Naval Forces of Canada" shall be "The Royal Canadian Navy."

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to ask the Right Honourable the Principal Secretary of State for the Colonies to cause this request of the Government of Canada to be laid before His Majesty.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

No. 2.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 5.]

SIR,

Downing Street, 29 March, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the accompanying copy of a despatch* from the Governor-General of the Dominion of Canada forwarding a minute of the Privy Council for Canada relative to the desire of the Dominion Government that the official title of the "Naval Forces of Canada" shall be "The Royal Canadian Navy."

I am, &c.,
H. W. JUST.

20910

No. 3.

AUSTRALIA.

HIGH COMMISSIONER FOR THE COMMONWEALTH OF AUSTRALIA to COLONIAL OFFICE.

(Received 29 June, 1911.)

[Answered by No. 22.]

High Commissioner's Office, 72, Victoria Street,

Westminster, S.W., June 28th, 1911.

SIR,

The High Commissioner desires me to state, for the information of Mr. Secretary Harcourt, that it has been suggested on the part of the Commonwealth Government that, on the occasion of His Majesty's Coronation, the Permanent Naval Forces of the Commonwealth may be permitted to adopt the designation "Australian Royal Navy," and that the Citizen Naval Forces may be called the "Australian Royal Naval Reserve."

I am directed to add that the High Commissioner is bringing this under notice at the request of Senator Pearce, the Minister of State for Defence for the Commonwealth, and to say that it is considered this designation would facilitate the transfer of officers and men from the Australian branch of the Imperial Naval Reserve in 1912.

I am, &c.,

R. MUIRHEAD COLLINS.

20910

No. 4.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 5.]

SIR,

Downing Street, 4 July, 1911.

With reference to the letter from this Department of the 29th of March,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter‡ from the High Commissioner for the Commonwealth of Australia expressing the desire of the Commonwealth Government that, with a view to marking His Majesty's Coronation, the Permanent Naval Forces of the Commonwealth may be permitted to adopt the designation "Australian Royal Navy," and that the Citizen Naval Forces may be called the "Australian Royal Naval Reserve."

* No. 1.

† No. 2.

‡ No. 3.

Mr. Harcourt would be glad to learn what reply should, in the opinion of the Lords Commissioners, be returned to this request, and also to the similar application on the part of the Canadian Government conveyed in the letter above referred to.

I am, &c.,
C. P. LUCAS.

22605

No. 5.

ADMIRALTY to COLONIAL OFFICE.

(Received 10 July, 1911.)

[See No. 26.]

(Confidential.)

SIR,

Admiralty, 8th July, 1911.

With reference to the arrangement agreed to at the meeting of the Imperial Conference on the 20th June, I am commanded by my Lords Commissioners of the Admiralty to forward herewith, for incorporation with the papers to be published relating to the proceedings of the Conference, a copy of a Memorandum* summarizing the result of the Conferences which took place at the Admiralty between their Lordships and representatives of the Dominions of Canada and Australia.

2. This memorandum is based upon the confidential memorandum discussed and agreed to at the meetings of the Imperial Defence Committee on 29th and 30th May, and embodies the agreement arrived at in the final Joint Conference which took place at the Admiralty on the 29th June, of which a copy is attached for the information of the Secretary of State. A copy of the Bill† to be passed in the Imperial Parliament to give effect to the application in certain circumstances of the Naval Discipline Act to the Naval Forces of the Dominions and the United Kingdom is also attached for information.

3. I am to add, with reference to your official letters of the 29th March and 4th July, Nos. 8821, Canada, and 20910, Australia,‡ respectively, that their Lordships concur in the proposals of the Canadian and Australian Governments that the word "Royal" should be prefixed to the official title of the Naval Forces of Canada and Australia and the proposal will be submitted to the King accordingly. The question of the addition of "Royal" to the title of the Citizen Naval Reserve Forces of the Commonwealth is under consideration.

I am, &c.,
W. GRAHAM GREENE.

Enclosure 2 in No. 5.

IMPERIAL CONFERENCE, 1911.

CANADA AND AUSTRALIA.

Notes of a Meeting at the Admiralty on the 29th June, 1911.

PRESENT :

The Right Honourable R. McKenna, M.P., First Lord of the Admiralty.
Admiral of the Fleet Sir A. K. Wilson, V.C., G.C.B., G.C.V.O.
The Honourable L. P. Brodeur, K.C., Minister of Naval Service, Canada.
The Honourable G. F. Pearce, Minister of Defence, Australia.
Rear-Admiral The Honourable A. E. Bethell, C.M.G., Director of Naval Intelligence.
W. Graham Greene, Esq., K.C.B., Assistant Secretary.
H. W. Just, Esq., K.C.M.G., C.B., Colonial Office.
Captain Maurice P. A. Hankey, R.M.A., Assistant Secretary, Imperial Defence Committee.

The draft memorandum of the result of conferences between the Admiralty and the representatives of Canada and Australia was discussed and certain amendments were approved.

* No. 1 in [Cd. 5746—2], July, 1911.

† Not reprinted.

‡ Nos. 2 and 4.

In connexion with the draft Bill declaring the effect of the Naval Discipline Act when applied by the Dominions, Mr. Brodeur observed that the Canadian Government would think it necessary to legislate independently of Imperial legislation. In his opinion the Bill, as drafted for the Admiralty, seemed to imply a right to legislate for the Dominions. It was pointed out to him in reply that the Bill did not purport to go beyond the cases where the officers and men of the Dominion Forces might be affected by Imperial legislation or where officers and men of the Royal Navy might be affected by Dominion legislation. The Bill left the Dominions as well as the Imperial Government perfectly free to legislate as they might think fit as regards their own forces. Mr. Pearce concurred in this view. Finally, Mr. Brodeur, while still maintaining that it would be necessary for the Canadian Government to deal with the relations of their service to the Royal Navy by their own legislation, said he did not object to the Bill from the point of view of Imperial legislation, and declared that the Canadian Government had no intention but to follow closely the Naval Discipline [Act] and Regulations of the Royal Navy.

It was decided that the ships maintained by Canada and Australia should be called His Majesty's Canadian and Australian ships, and also there was no objection to the Naval Forces in each Dominion being called the Royal Canadian Navy and the Royal Australian Navy if it were so desired.

The questions of uniform and commissions were referred to. Sir Arthur Wilson pointed out the disadvantage of officers having to modify their uniform according to the service in which they might happen to be serving at the time, and that it was desirable to avoid unnecessary expense. Both Mr. Brodeur and Mr. Pearce, however, stated that so far as they could judge there would be a wish that some slight distinction should be associated with the Dominion uniform, such as the substitution of the maple leaf for the laurel leaf on the buttons of the Canadian uniform. Mr. Pearce stated a similar distinction was also contemplated by the Australian Government. The matter would be further considered.

As regards Commissions, it was agreed that it would be an advantage from the point of view of inter-changeability of officers if the commissions in the Dominion Forces were worded similarly to the Admiralty commissions, and that the question should receive further consideration.

22914

No. 6.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 2.35 p.m., 11th July, 1911.)

TELEGRAM.

[Copy to Admiralty, 18 July, 1911. L.F.]

Please inform Brodeur that it was understood by the Admiralty that time of publication of arrangement in regard to Dominion Naval Forces could be settled in concert as was done in 1909, and that in the meantime terms would not be made public. You will be informed later as to proposed time for publication. Copy goes to you by next mail.—HARCOURT.

21598

No. 7.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 573.)

(Union of South Africa. No. 323.)

(Australia. No. 291.)

(Newfoundland. No. 155.)

(New Zealand. No. 231.)

[My Lord.] [Sir.]

Downing Street, 14 July, 1911.

I HAVE the honour to transmit to [your Excellency] [you], to be laid before your Ministers, the accompanying copies of a memorandum* of conferences between

* No. 1 in [Cd. 5746-2], July, 1911.

the British Admiralty and representatives of the Dominions of Canada and Australia, on the subject of the status of Dominion Navies.

2. This matter was mentioned at the last meeting of the Imperial Conference on the 20th June, and it was agreed that it should be published simultaneously in this country and in Canada and the Commonwealth.

[3. To New Zealand, Union of South Africa, and Newfoundland: I will telegraph to you the date on which publication will take place.]

[3. To Australia: I shall be glad to learn by telegraph of the date when it is proposed to publish the memorandum in the Commonwealth, so that arrangements may be made for simultaneous publication here and in Canada.]

[3. To Canada: I have asked the Governor-General of the Commonwealth to inform me by telegraph when it is proposed to publish the memorandum there, and I shall at once telegraph to you, so that arrangements may be made for a simultaneous issue of the report in Canada.]

I have, &c.,

L. HARCOURT.

24449

No. 8.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.35 a.m., 26th July, 1911.)

TELEGRAM.

[Answered by Nos. 11 and 12.]

Most urgent. Your despatch, 14th July, No. 573.* Prime Minister will be very grateful if permission could be given to lay enclosure before Parliament immediately. He wishes, if possible, lay it simultaneously with full report of proceedings of Imperial Conference,† just received, and is anxious not to have to wait till memorandum of Conference on naval question is received in Australia. Please telegraph reply as soon as possible.—GREY.

24969

No. 9.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.10 p.m., 26th July, 1911.)

TELEGRAM.

[Answered by No. 12.]

(Paraphrase.)

Confidential. With reference to my telegram July 25th,‡ Prime Minister anxious to lay before Parliament at once Naval memorandum, because political situation will probably lead him on Friday or Saturday to advise dissolution. Lest he should be accused of concealment Prime Minister wishes to lay paper before dissolution.—GREY.

24970

No. 10.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.30 a.m., 27th July, 1911.)

TELEGRAM.

[Answered by No. 12.]

(Paraphrase.)

My telegrams of July 25th and July 26th.§ Is there any objection to immediate presentation to Parliament also of Report of Committee on Military Defence? Considered important by Prime Minister that everything done at Conference should be

* No. 7.

† [Cd. 5745], July, 1911.

‡ No. 8.

§ Nos. 8 and 9.

placed before Canadian people at once, and fears that fruitful source of malicious insinuations may be found in omission of these two reports. He is very desirous if possible to lay to-morrow, Thursday, two reports with the Proceedings of the Conference.—GREY.

24449

No. 11.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.45 p.m., 27th July, 1911.)

TELEGRAM.

Your telegram 26th July.* Publication of naval memorandum. I have telegraphed to Fisher at Colombo asking him to agree to immediate publication, but cannot receive answer probably until 30th, when I will at once inform you of his views.—HARCOURT.

24449

No. 12.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.45 p.m., 27th July, 1911.)

TELEGRAM.

My telegram to-day.† On further consideration, in view of your confidential telegram of 26th July, and of your telegram most urgent of 27th July,‡ I am prepared to acquiesce in immediate publication of both papers in Canada, and I have informed Fisher that, in deference to Sir Wilfrid Laurier's wishes, I have felt it right to do so. Papers will be published here on Monday.—HARCOURT.

24449

No. 13.

AUSTRALIA.

THE SECRETARY OF STATE to THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA (AT CEYLON).

(Sent 6.20 p.m., 27th July, 1911.)

TELEGRAM.

[Answered by No. 16.]

Prime Minister, Canada, has represented that he is most anxious to publish forthwith memorandum as to naval agreement,§ together with report of Committee on military defence, and to lay it on table simultaneously with report of Conference proceedings,|| which has just reached Canada. As you know, publication was to have been deferred until arrival of memorandum in Australia, so that simultaneous publication could be made then in Canada and here. But in deference to Laurier's wishes, conveyed by the Governor-General, who explains that reason for Prime Minister's anxiety is that political situation will probably lead him to advise immediate dissolution, and that he wishes to lay paper before dissolution, lest he should be accused of concealment, I have acquiesced in immediate publication. Papers will be published here on Monday. I am not telegraphing to Pearce as he seems to be en route for Australia from Japan.—HARCOURT.

* No. 8. † No. 11. ‡ Nos. 9 and 8. § No. 1 in [Cd. 5746-2]. || [Cd. 5745].

24449

No. 14.

AUSTRALIA.

THE SECRETARY OF STATE to THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA (AT CEYLON).

(Sent 2.50 p.m., 28th July, 1911.)

TELEGRAM.

[Answered by No. 16.]

I have telegraphed to the Governor-General of the Commonwealth explaining what has taken place, and pointing out that copies of the full proceedings of the Conference as presented to Parliament here will reach him on August 13, and copies of general volume of papers laid before it on August 20th, and that Pearce has a copy of the memorandum of the Conference with the Admiralty, so that it will be possible to publish it and the military defence paper on his arrival in Australia, with the complete proceedings as is being done in Canada.—HARCOURT.

24449

No. 15.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.55 p.m., 28th July, 1911.)

TELEGRAM.

As stated in my despatch of 14th July,* it had been arranged by Admiralty and representatives of Canada and Australia that it would be convenient and desirable, that memorandum of conferences between them, which Imperial Conference agreed should be incorporated among its published papers, should be issued simultaneously here, in Canada, and in Australia.

Prime Minister of Canada, in view of political situation in the Dominion, has now strongly urged that he be permitted to publish at once memorandum to his Parliament, together with the full proceedings of the Conference, which have already reached Canada, and I have, in the circumstances, felt it right to acquiesce in immediate publication in Canada. The paper will also be published here on Monday.

I have informed Mr. Fisher accordingly by a telegram to Colombo, where he is expected to arrive to-morrow, but I have been unable to communicate with Pearce, who was the actual representative of the Commonwealth in the conferences. Copies of the full proceedings of the Conference will reach you on August 13, and copies of the general volume of papers laid before it on August 20th.

Pearce has a copy of the memorandum of conferences, and it will be possible to publish it with the complete proceedings on his arrival in Australia as is being done in Canada.—HARCOURT.

24931

No. 16.

AUSTRALIA.

THE PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA (AT CEYLON) to THE SECRETARY OF STATE.

(Received 8.30 p.m., 28th July, 1911.)

TELEGRAM.

I agree publication agreement Monday next: presume you will at once cable full text to Governor-General for publication in Australia.—FISHER.

* No. 7.

24931

No. 17.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.10 p.m., 29th July, 1911.)

TELEGRAM.

[Answered by No. 42.]

My telegram 28th July.* At request of Prime Minister I cable full text of memorandum of Naval Conferences for publication in Australia:—

Memorandum of Conferences between the British Admiralty and Representatives of the Dominions of Canada and Australia [See No. 1 in Cd. 5746-2].

—HARCOURT.

24449

No. 18.

COLONIAL OFFICE to ADMIRALTY.

Sir,

Downing Street, 29th July, 1911.

With reference to the letter from this Office of the 18th of July,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Admiralty, copy of further correspondence,‡ on the subject of the publication of the memorandum of the discussions on the subject of naval affairs.

I am, &c.,
C. P. LUCAS.

SCHEDULE OF ENCLOSURES.

- (1.) Secretary of State, 14th July
- (2.) Governor-General, 25th July.
- (3.) Governor-General, 26th July.
- (4.) Secretary of State to Governor-General of Canada, 27th July, 1911.
- (5.) Secretary of State to Governor-General of Canada, 27th July, 1911.
- (6.) Secretary of State to Governor, Ceylon, 27th July, 1911.
- (7.) Secretary of State to Governor-General of Australia, 28th July, 1911.
- (8.) Secretary of State to Governor, Ceylon, 28th July, 1911.

21612

No. 19.

THE SECRETARY OF STATE to THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND AND THE GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

(Sent 4.55 p.m., 3rd August, 1911.)

TELEGRAM.

My despatches [230, 231] [156, 155] [324, 323], 14th July.§ On urgent representations from Government of Canada and with concurrence of Prime Minister of Australia, memorandum of Naval Conferences has been published. Report of Committee on Military Defence was published at the same time to complete documents of Conference as to defence.—HARCOURT.

* No. 15.

† L.F. transmitting copy of No. 6.
‡ Nos. 86 and 7.

§ Nos. 7, 8, 9, 11, 12, 13, 14, and 15.

9

25663

No. 20.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 17 August, 1911. L.F.]

(No. 681.)

My Lord,

Downing Street, 16 August, 1911.

I HAVE the honour to acknowledge the receipt of your despatch, No. 122, of the 8th March,* on the subject of the official title of the naval forces of Canada.

2. In reply, I have to inform you that the question of the title was discussed with your Ministers and that His Majesty the King has been graciously pleased to approve of the naval forces of Canada receiving the style of the Royal Canadian Navy, and of the ships of war of that navy being designated as His Majesty's Canadian ships.

I have, &c.,
L. HARCOURT.

25663

No. 21.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, August 17, 1911. L.F.]

(No. 357.)

My Lord,

Downing Street, 16 August, 1911.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a letter† from the High Commissioner of the Commonwealth of Australia on the subject of the naval forces of the Commonwealth.

2. This question was discussed with your Ministers when in this country, and I have now to request that you will inform them that His Majesty has been graciously pleased to approve of the naval forces of the Commonwealth being designated the Royal Australian Navy, and of the ships of that navy being designated as His Majesty's Australian ships.

3. Following this arrangement the Citizen Naval Forces of Australia will receive the official title of the Royal Australian Naval Reserve.

I have, &c.,
L. HARCOURT.

25663

No. 22.

AUSTRALIA.

COLONIAL OFFICE to THE HIGH COMMISSIONER FOR THE COMMONWEALTH OF AUSTRALIA.

Sir,

Downing Street, 16 August, 1911.

With reference to your letter of the 28th June,† I am directed by Mr. Secretary Harcourt, to transmit to you, for the information of the High Commissioner, the accompanying copy of a despatch‡ which has been addressed to the Governor-General of the Commonwealth of Australia, on the subject of the designation of the naval forces of the Commonwealth.

I am, &c.,
C. P. LUCAS.

* No. 1.

† No. 3.

‡ No. 21.

28051

No. 23.

NEWFOUNDLAND.

THE ACTING GOVERNOR TO THE SECRETARY OF STATE.

(Received 28 August, 1911.)

[Copy to Admiralty, 4 September, 1911. 28051: not printed.]

[Answered by No. 24.]

(No. 70.)

Sir,

Government House, St. John's, 14 August, 1911.

In reference to your despatch, No. 155, of the 14th July,* relating to the status of Dominion navies, which I laid before Ministers, with a copy of the memorandum of conference between the British Admiralty and representatives of the Dominion of Canada and Australia, I have the honour to transmit a communication received by me to-day from the Prime Minister.

I have, &c.,

W. H. HORWOOD.

Enclosure in No. 23.

Prime Minister's Office, St. John's, Newfoundland,

HIS EXCELLENCY THE ADMINISTRATOR,

12 August, 1911.

I HAVE the honour to acknowledge the receipt of your communication covering despatch, No. 155, in original, from the Right Honourable the Secretary of State for the Colonies, with accompanying copy of a memorandum of a conference between the British Admiralty and the representatives of the Dominion of Canada and the Commonwealth of Australia, on the subject of the status of Dominion naval forces.

I return herewith the despatch as well as the memorandum, and would be grateful if you arrange to let me have a copy of both these documents, if you should have them in the Office.

I had not an opportunity of submitting to Ministers the memorandum referred to until last evening, and I now desire to convey to you an expression of their opinion in relation to it, with the request that you may be good enough to transmit the same to the Secretary of State for the Colonies.

The memorandum purports to be copy of a memorandum of a conference between the British Admiralty and representatives of the Dominion of Canada and the Commonwealth of Australia on the subject of the status of Dominion naval forces. In paragraph 2 of the despatch covering this memorandum, and signed by the Secretary of State, Mr. Harcourt says:—"This matter was mentioned at the last meeting of the Imperial Conference on the 20th June, and it was agreed that it should be published simultaneously in this country and in Canada and the Commonwealth."

It might be implied from this paragraph that the subject matter of the memorandum, the details of the document, and the principles embodied therein, might have been disclosed at the Imperial Conference, or that a copy of it might have been read to the Conference. This, however, was not done. It will be found by reference to the minutes of the last meeting of the Imperial Conference that the only reference to this matter made at that meeting was from Mr. Pearce, one of the representatives of the Australian Government at the Imperial Conference, who merely referred to the conferences which were taking place at the Admiralty between that body and the representatives of the Canadian and Australian Governments, with regard to the status of Dominion naval forces and their co-operation with the Royal Navy. It was then agreed, on the suggestion of Mr. Harcourt, that a memorandum embodying the conclusions reached at the conference between the British Admiralty and the representatives of the Dominion and Commonwealth referred to should, when drawn up, be incorporated amongst the papers to be published in connection with the Imperial Conference. But the terms which the said memorandum was to contain of them were never suggested or foreshadowed, and you will notice by the

* No. 7.

reports of the Imperial Conference that there is no record of its having been tabled or presented.

By reference to Schedule "A" of the memorandum in question, it appears that the Canadian Atlantic station includes the waters north of 30 degrees north latitude, and west of the meridian 40 west longitude. This includes the waters surrounding Newfoundland, and you will observe that, under the provisions of paragraph 4 of the memorandum, the Canadian Government may establish their stations in the waters referred to in Schedule "A."

Although this memorandum between the British Admiralty and the Canadian Government could in no way confer any right on that Government to come into the territorial waters of Newfoundland, and will confer on them no more rights than are held and possessed by the navies of any foreign Power, it is open to a contrary inference which is likely to create a feeling of doubt and uncertainty in the Dominion affected by this memorandum.

Ministers would strongly contend, and would do so successfully, that the rights enjoyed by the community of Newfoundland cannot be lessened, parted with, changed, or ceded without their consent, and that the constitutional mode of procuring that consent is through the Legislature of Newfoundland, which consent would be an essential preliminary to the slightest modification of their territorial or maritime rights, and Ministers feel satisfied that this contention must be borne out by His Majesty's Government, and indeed, that the Canadian and Australian Governments themselves would be the very last to contend for a contrary position.

With a view, therefore, of there being no misunderstanding hereafter, Ministers suggest that the attention of the Canadian Government be drawn by the Secretary of State for the Colonies to this matter, and that it be made clear that the zone in which their navy may operate in the North Atlantic waters should in no degree encroach on Newfoundland's territorial and maritime waters, and that it be pointed out to them that the memorandum referred to in no way alters the status existing previous to the drawing of that memorandum.

The Newfoundland Government, or its representatives at the Imperial Conference, were not consulted in relation to this memorandum, nor were the Newfoundland members of the Conference present when the terms of the memorandum were agreed upon, nor were they given any opportunity of considering its principles or details, and the writer saw it for the first time when it was forwarded by Your Excellency a few days ago.

E. P. MORRIS,

Prime Minister.

12 August, 1911.

28051

No. 24.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE ACTING GOVERNOR.

[Copy to Admiralty, September 14, 1911. L.F.]

(No. 215.)

Sir,

Downing Street, 13 September, 1911.

I HAVE the honour to acknowledge the receipt of your despatch, No. 70 of the 14th August,* transmitting a communication from your Prime Minister on the subject of the status of Dominion navies.

2. In reply I have to request that you will inform your Ministers that the Canadian stations were formed for the purpose of assigning to the Canadian Fleet a definite area of action, in the same manner as Commanders-in-Chief of stations abroad have a definite command, and in the arrangements discussed with the Canadian Ministers Newfoundland was expressly excluded as requiring special provisions. In determining the limits of the Canadian Atlantic Station, there was no intention on the part of His Majesty's Government or of the Government of Canada to alter the existing position with regard to the control and jurisdiction of the Government of Newfoundland over its territorial waters, or to empower the Dominion Government to establish a station in those waters without the consent of the Government of Newfoundland.

* No. 23.

28052

11-2

3. The supervision of the Newfoundland fisheries is now carried out by a ship of the Imperial Navy, and there is no present intention of disturbing this arrangement.

4. I trust that this statement will be satisfactory to your Ministers.

5. I am sending a copy of the correspondence to the Governor-General of the Dominion of Canada, for the information of his Ministers.

I have, &c.,
L. HARCOURT.

28051

No. 25.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 756.)

MY LORD,

Downing Street, 13 September, 1911.

WITH reference to my despatch, No. 573 of the 14th July,* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of correspondence† with the Acting Governor of Newfoundland, on the subject of the status of the Dominion navies.

I have, &c.,
L. HARCOURT.

22605

No. 26.
COLONIAL OFFICE to ADMIRALTY.
[Answered by No. 29.]

SIR,

Downing Street, 12 October, 1911.

WITH reference to the letter from this Office of the 29th of July,‡ I am directed by Mr. Secretary Harcourt to request that you will inform the Lords Commissioners of the Admiralty that he would be glad to learn whether the terms of the Bill to carry out the arrangements as to naval matters agreed upon at the Imperial Conference have yet been settled. I am to explain that the draft Bill enclosed in your letter of the 8th of July§ was not circulated to the Dominion Governments, as it was understood that the Bill was not yet in its final form.

2. I am to add that Mr. Harcourt will be glad to see the draft Bill in good time before it is actually presented to Parliament, in order that he may consider it from the point of view of the constitutional position of the self-governing Dominions, and may be in a position to circulate it to the various Governments concerned.

In this connexion I am to observe that, according to the Canadian Press, a Court of Enquiry which "was of the nature of a private departmental investigation" was held on the grounding of the "Niobe," but no court martial appears to have been held.

I am, &c.,
H. W. JUST.

22605

No. 27.
COLONIAL OFFICE to ADMIRALTY.
[Copy to Foreign Office, November 21, 1911. L.F.]
[Answered by 15652: not printed.]

SIR,

Downing Street, 2 November, 1911.

WITH reference to the letter from this Office of the 12th October,|| I am directed by Mr. Secretary Harcourt to enquire whether the Lords Commissioners of the Admiralty have considered whether it will be necessary to make any communication to foreign Governments with regard to the status of the fleets of the Dominions of Canada and the Commonwealth of Australia.

* No. 7. † Nos. 23 and 24. ‡ 22605: not printed. § No. 5. || No. 26.

2. It appears to Mr. Harcourt that, as the ships of each fleet will hoist at the stern the white ensign as the symbol of the authority of the Crown, these vessels would be entitled as a matter of course to be regarded by foreign Powers as holding the status of His Majesty's ships of war, and that it may not be necessary to make any special pronouncement on the subject. Mr. Harcourt would, however, be glad to be informed of the views of their Lordships on this question.

I am, &c.,
H. W. JUST.

36670

No. 28.
FOREIGN OFFICE to COLONIAL OFFICE.
(Received November 14, 1911.)
[Answered by No. 30.]

SIR,

Foreign Office, November 13th, 1911.

I AM directed by Secretary Sir E. Grey to transmit to you herewith a copy of a memorandum communicated to this Department by the Netherlands Chargé d'Affaires in London on the 4th instant, respecting the reply that the Netherlands Minister for Foreign Affairs proposes to return to a Netherlands parliamentary paper in which the opinion is expressed that the Canadian and Australian fleets form a part of the British navy, and that the responsibility for their actions rests upon the British Government.

I am to state that, subject to the concurrence of the Secretary of State for the Colonies, Sir E. Grey proposes to inform the Chargé d'Affaires that the statement which the Netherlands Government propose to make on the subject is correct.

A similar letter has been addressed to the Admiralty.

I am, &c.,
W. LANGLEY.

Enclosure in No. 28.

(No. 2725.)

In a Netherlands Parliamentary Paper the opinion is expressed that the Canadian and Australian fleets form a part of the British Navy, and that the responsibility for their actions rests upon the British Government.

The Netherlands Minister for Foreign Affairs proposes to answer this supposition in the following terms:—

"Whatever the relations may be between the Canadian and Australian fleets and the Mother Country, foreign countries are bound to consider them as an integral part of the British Navy, in the same way as Canada and Australia form integral parts of the British Empire; therefore the responsibility for their actions rests upon the British Government."

The Netherlands Legation would be glad to know whether the above statement is correct.

37001

No. 29.
ADMIRALTY to COLONIAL OFFICE.
(Received November 17, 1911.)
[Answered by L.F. transmitting copy of No. 31.]

SIR,

Admiralty, S.W., 16th November, 1911.

WITH reference to your letter of the 12th October, No. 22605/11,* on the subject of the Bill proposed to be introduced into Parliament in order to give effect to the agreement arrived at during the Imperial Conference in regard to the disciplinary position of officers and men serving in the different Fleets of the Empire, I am commanded by my Lords Commissioners of the Admiralty to forward herewith four copies of the Bill as now verbally amended by the Law Officers.

* No. 26.

2. I am to state that the terms of the Bill were discussed with the Ministers representing Canada and Australia and that it was agreed that it should be proceeded with at an early date, it being an understanding that it should not touch the question as to whether the Legislatures of the self-governing Dominions had power to legislate with respect to the discipline of their naval forces outside the limits of the Dominion.

3. With regard to the last paragraph of your letter relating to the grounding of the "Niobe" I am to add that as no Canadian ships and officers were available for forming a court martial an arrangement was made at the request of the Minister of Naval Service for a court to be formed of officers of the Fourth Cruiser Squadron, which was sent to Halifax for the purpose. Their Lordships have made it clear that the responsibility for the legality of the proceedings rests entirely upon the Canadian Government.

I am, &c.,
W. GRAHAM GREENE.

Enclosure in No. 29.

DRAFT of a BILL for declaring the effect of the Naval Discipline Acts when applied by the Legislatures of self-governing Dominions to the naval forces raised by such Dominions.

Be it enacted by the King's most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where in any self-governing Dominion provision has been made (either before or after the passing of this Act) for the application to the naval forces raised by the Dominion of the Naval Discipline Act, 1866, as amended by any subsequent enactment, that Act, as so amended, shall have effect as if references therein to His Majesty's Navy and His Majesty's ships included the forces and ships raised and provided by the Dominion, subject, however—

(a) in the application of the said Act to the forces and ships raised and provided by the Dominion, and the trial by court martial of officers and men belonging to those forces, to such modifications and adaptations (if any) as may have been or may be made by the law of the Dominion to adapt the Act to the circumstances of the Dominion, including such adaptations as may be so made for the purpose of authorising or requiring anything which under the said Act is to be done by or to the Admiralty or the Secretary of the Admiralty, to be done by or to the Governor-General or the authority charged with the administration of the naval service of the Dominion; and

(b) in the application of the said Act to the forces and ships of His Majesty's Navy not raised and provided by a self-governing Dominion, to such modifications and adaptations as may be made by His Majesty in Council for the purpose of regulating the relations of the last-mentioned forces and ships to the forces and ships raised and provided by the self-governing Dominions or any of them.

Provided that where any forces and ships so raised and provided by a self-governing Dominion have been placed at the disposal of the Admiralty, the said Act shall apply without any such modifications or adaptations as aforesaid.

(2) This Act shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless or until provision to that effect has been made in the Dominion.

(3) For the purposes of this Act the expression "self-governing Dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

2. This Act may be cited as the Naval Discipline (Dominion Naval Forces) Act, 1911.

Effect of
Naval Dis-
cipline Acts
as applied to
naval forces
of self-
governing
Dominions.

Short title.

36679

No. 30.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 16 November, 1911.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th of November,* on the subject of the status of the Canadian and Australian fleets.

2. In reply I am to request that you will inform Secretary Sir E. Grey that Mr. Harcourt concurs in the proposal to inform the Netherlands Chargé d'Affaires that the statement which the Netherlands Government propose to make is correct.

I am, &c.,
H. W. JUST.

37001

No. 31.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Copy to Admiralty, November 21, 1911. L.F.]

[Answered by Nos. 32 and 35.]

(Canada. Confidential (2).)
(Australia. Confidential.)

SIR, Downing Street, 17 November, 1911.
WITH reference to the discussion of the status of Dominion Navies at the Imperial Conference the results of which are recorded in Parliamentary Paper [Cd. 5746-2], I have the honour to transmit to [Your Royal Highness] [your Excellency], to be laid before your Ministers, copy of a draft of the Bill† which it is proposed to introduce into the Imperial Parliament to declare the effect of the Naval Discipline Acts when applied by the Legislatures of self-governing Dominions to the naval forces raised by such Dominions.

2. If your Ministers have any observations to offer on the terms of the Bill I shall be glad to receive them by telegram.

I have, &c.,
L. HARCOURT.

39295

No. 32.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.20 p.m., 6th December, 1911.)

TELEGRAM.

[Copy to Admiralty, December 11, 1911. L.F.]

[Answered by Nos. 33 and 40.]

Your despatch of 17th November, Confidential,‡ enclosing copy of draft of Bill to declare effect of the Naval Discipline Act when applied to naval force of Dominions. My Ministers have no objection to wording of Bill as proposed except that they consider line 23 onwards "to be done, &c.," should read "to be done by or to the Governor-General or by or to such person as may be vested with the authority by the Governor-General in Council."

Despatch§ follows by mail.—ARTHUR.

* No. 28.

† Enclosure in No. 29.

‡ No. 31.

§ 40812: not printed.

39295

No. 33.
CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.40 p.m., 11th December, 1911.)

TELEGRAM.

[Copy to Admiralty, 12 December, 1911. L.F.]

Your telegram, 6th December,* Naval Discipline Bill. Proposed alteration accepted and made in Bill which has been introduced into Parliament and, it is hoped, may be passed during present session.—HARCOURT.

39295

No. 34.
AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 11th December, 1911.)

TELEGRAM.

[Copy to Admiralty, 12 December, 1911. L.F.]

[Answered by No. 35.]

Referring to draft Naval Discipline Bill which Minister of Defence took with him on his departure for Australia in July, Canadian Government have suggested following alteration at end of Section 1 (1) (a) :—

"To be done by or to the Governor-General or by or to such person as may be vested with the authority by the Governor-General in Council" in place of words: "to be done by or to the Governor-General or the authority charged with the administration of the Naval Service of the Dominion."

The alteration of words is accepted by His Majesty's Government, and will, no doubt, be satisfactory to your Ministers.

Only other alteration in text of Bill as communicated to Mr. Pearce is addition of certain words at end of 1 (1) (b) after words "His Majesty in Council":—

"for the purpose of regulating the relations of the last-mentioned forces and ships to the forces and ships raised and provided by the self-governing Dominions or any of them."

Bill has now been introduced and it is hoped may be passed before end of present session of Parliament. If your Ministers have any observations they should be telegraphed at once.—HARCOURT.

40134

No. 35.
AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.20 a.m., 15th December, 1911.)

TELEGRAM.

[Copy to Admiralty, December 18, 1911. L.F.]

[Answered by No. 40.]

Your telegram 11th December.† Government of Commonwealth of Australia accept amendments of draft Naval Discipline Bill.—DENMAN.

* No. 32.

† No. 34.

39295

No. 36.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 976.)
(Australia. No. 537.)

Downing Street, 15 December, 1911.

[SIR], [MY LORD].

WITH reference to my telegram of the 11th of December,* I have the honour to transmit to [Your Royal Highness] [Your Excellency] for the information of your Ministers, the accompanying copies of the Naval Discipline (Dominion Naval Forces) Bill,† in the form in which it has been introduced into the Imperial House of Commons.

I have, &c.,
L. HARCOURT.

39295

No. 37.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNORS.

(New Zealand. No. 401.) (Newfoundland. No. 280.)
(Union of South Africa. No. 640.)

Downing Street, 15 December, 1911.

[MY LORD], [SIR].

WITH reference to the discussion of Naval matters at the Imperial Conference which is reported in Parliamentary Paper [Cd. 5746-2], I have the honour to transmit to [Your Excellency] [you] for the information of your Ministers, the accompanying copy of a Bill‡ introduced into the Imperial Parliament to declare the effect of the Naval Discipline Acts when applied by the Legislatures of self-governing Dominions to the Naval forces of such Dominions.

I have, &c.,
L. HARCOURT.

407

No. 38.
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received January 4, 1912.)

[Copy to Admiralty, 11 January, 1912. L.F.]

(Confidential.)

SIR,

Government House, Ottawa, 23 December, 1911.

I HAVE the honour to transmit, herewith, for your information, copies of an approved minute of the Privy Council for Canada on the subject of the flags which it is proposed that the naval ships of the Dominion of Canada shall fly.

I have, &c.,
ARTHUR.

Enclosure in No. 38.

Certified copy of a report of the Committee of the Privy Council, approved by His Royal Highness the Governor-General on the 19th December, 1911.

(P. C. 2895.)

The Committee of the Privy Council have had before them a report, dated 7th December, 1911, from the Secretary of State for External Affairs, stating, with reference to Paragraph III. of the Memorandum of Conferences between the British Admiralty and representatives of the Dominion of Canada and the Commonwealth of Australia, laid before the Imperial Conference at its last meeting, that the naval

* No. [33] [34].

† Not reprinted: See enclosure in No. 39.

ships of the Dominion of Canada will hoist at the stern the white ensign as the symbol of the authority of the Crown, and will fly the white pendant.

The Minister observes that it is proposed also to fly as a distinctive flag of the Dominion the blue ensign with the Canadian arms in the fly.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

421

No. 39.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL and
GOVERNORS.

(New Zealand. No. 4.) (Newfoundland. No. 5.)
(Union of South Africa. No. 7.)

[MY LORD] [SIR], Downing Street, 6 January, 1912.

WITH reference to my despatch, No. [401] [640] [280], of the 15th of December last,* I have the honour to transmit to [you] [Your Excellency] [you], for the information of your Ministers, copies of the Naval Discipline (Dominion Naval Forces) Act, 1911, of the Imperial Parliament.

I have, &c.,
L. HARCOURT.

Enclosure in No. 39.

[1 & 2 Geo. 5.] [Ch. 47.]

Naval Discipline (Dominion Naval Forces) Act, 1911.

CHAPTER 47.

A.D. 1911. AN ACT to declare the effect of the Naval Discipline Acts when applied by the Legislatures of self-governing Dominions to the Naval Forces raised by such Dominions.

[16th December, 1911.]

Be it enacted by the King's most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) Where in any self-governing Dominion provision has been made (either before or after the passing of this Act) for the application to the naval forces raised by the Dominion of the Naval Discipline Act, 1866, as amended by any subsequent enactment, that Act, as so amended, shall have effect as if references therein to His Majesty's Navy and His Majesty's ships included the forces and ships raised and provided by the Dominion, subject, however—

(a) in the application of the said Act to the forces and ships raised and provided by the Dominion, and the trial by court-martial of officers and men belonging to those forces, to such modifications and adaptations (if any) as may have been or may be made by the law of the Dominion, to adapt the Act to the circumstances of the Dominion, including such adaptations as may be so made for the purpose of authorising or requiring anything, which under the said Act is to be done by or to the Admiralty or the Secretary of the Admiralty, to be done by or to the Governor-General or by or to such person as may be vested with the authority by the Governor-General in Council; and

* No. 37.

(b) in the application of the said Act to the forces and ships of His Majesty's Navy not raised and provided by a self-governing Dominion, to such modifications and adaptations as may be made by His Majesty in Council for the purpose of regulating the relations of the last-mentioned forces and ships to the forces and ships raised and provided by the self-governing Dominions or any of them:

Provided that, where any forces and ships so raised and provided by a self-governing Dominion have been placed at the disposal of the Admiralty, the said Act shall apply without any such modifications or adaptations as aforesaid.

(2) This Act shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion, unless or until provision to that effect has been made in the Dominion.

(3) For the purposes of this Act, the expression "self-governing Dominion" means the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

2. This Act may be cited as the Naval Discipline (Dominion Naval Forces) Act, 1911. Short title.

421

No. 40.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

[Copy to Admiralty, 11 January, 1912. L.F.]

[Answered by No. 84.]

(Canada. No. 10.)
(Australia. No. 11.)

SIR, MY LORD, Downing Street, 6 January, 1912.

WITH reference to [Your Royal Highness's] [Your Excellency's] telegram of the [6th] [15th] of December,* I have the honour to transmit to you, for communication to your Ministers, copies of the Naval Discipline (Dominion Naval Forces) Act† of the Imperial Parliament.

2. Your Ministers will observe from Section 1 (2) of the Act that it will not come into operation in relation to the ships or forces of a self-governing Dominion unless provision to that effect is made in the Dominion.

I have, &c.,
L. HARCOURT.

1625

No. 41.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 20 January, 1912.

WITH reference to the discussion of naval defence at the Imperial Conference, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copy of a Bill‡ which has been introduced into the Parliament of the Commonwealth of Australia to amend the Naval Defence Act of 1910.

2. It will be observed that the Bill does not contain any provision for the application of the Naval Discipline (Dominion Naval Forces) Act, 1911, to the Commonwealth Naval Forces, and Mr. Harcourt presumes, therefore, that it will be necessary for further legislation on this point to be passed this year.

3. Mr. Harcourt will be glad to receive any observations which their Lordships may desire to offer on the terms of the Bill.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. [32] [35].

† Enclosure in No. 39.

‡ Not reprinted.

No. 42.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 7.30 a.m., 13th February, 1912.)

TELEGRAM.

[Acknowledged February 21, 1912. No. 88.]

[Copy to Admiralty, 22 February, 1912. L.F.]

Your telegram 29th July, 1911.* Conference between Admiralty and representatives of Canada and Australia. Am desired by Prime Minister inform you of the ratification of Government of Commonwealth of Australia of the Agreement set forth in memorandum.—DENMAN.

9726

No. 43.

ADMIRALTY to COLONIAL OFFICE.

(Received 30 March, 1912.)

[Answered by No. 44.]

SIR,

Admiralty, 28th March, 1912.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you that they have had under consideration the instructions to be issued to officers of the Royal Navy and of the Royal Dominion Navies respectively, in order to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to each other, in pursuance of the agreement arrived at in the Imperial Conference of 1911. During the Conference it was agreed that effect should be given to the general principles included in the agreement by instructions issued by the Admiralty and the Naval Departments of the Dominions of Australia and Canada, it being understood that each Government would take such steps as might be considered necessary to ensure the application of the instructions to its own officers and men. Acts have with this object been passed by the Parliaments of the United Kingdom and Australia, and it is now necessary that an understanding should be arrived at as to the form of the instructions to be issued.

My Lords have accordingly had drafted some instructions which they propose to issue for the guidance of officers of the Royal Navy. The form of the instructions is such that my Lords think that with the necessary alterations they might perhaps be usefully applied by the Governments of Australia and Canada to their respective services.

I am to enclose copies herewith for transmission to the Governors-General of Australia and Canada for the consideration of their respective Governments.

I am, &c.,

W. GRAHAM GREENE.

Enclosure in No. 43.

DRAFT MEMORANDUM FOR THE INSTRUCTION OF COMMANDERS-IN-CHIEF.

An agreement having been arrived at between the Admiralty and the Naval Departments of Australia and Canada that:—

"When a court martial has to be ordered by a Dominion and a sufficient number of officers are not available in the Dominion Service at the time, the British Admiralty, if requested, will make the necessary arrangements to enable a court to be formed. Provision will be made by order of His Majesty in Council and by the Dominion Governments respectively to define

the conditions under which officers of the different services are to sit on joint courts-martial;"

and further that—

"The Dominions having applied to their Naval Forces the King's Regulations and Admiralty Instructions and the Naval Discipline Act, the British Admiralty and Dominion Governments will communicate to each other any changes which they propose to make in those Regulations or that Act."

The following instructions have been drawn up for the guidance of Commanders-in-Chief and Officers Commanding His Majesty's ships:—

Where a court martial is ordered to take place when Dominion vessels are present, by virtue of the Act 1 and 2, Geo. 5, Cap. 47, her officers are eligible and bound to sit according to their seniority on the court martial, whether the accused belongs to the Royal Navy or to a Dominion Naval Force.

A.—Where accused persons belonging to the Royal Navy are concerned.

The usual procedure is to be followed, except that it may be that one or more officers of the court will belong to the Dominion force. Commanders-in-Chief are therefore to consider this possibility in selecting the president of any court, but are not to take steps in ordinary cases which would have the effect of excluding officers of the Dominion force who may be "present at the place where the court martial is held."

B.—Where offenders belonging to the Dominion Naval Forces are concerned.

I. Courts Martial.

A.—Where vessels of a Dominion force are attached to a fleet or squadron of the Royal Navy or are temporarily under the orders of an officer of the Royal Navy:—

- (1) No court martial should be ordered unless the officer ordering it is either in possession of a warrant issued by the proper authority of the Dominion in whose service the accused is, or is expressly authorised by the legislation of the Dominion to order courts martial. The warrant to the president should state that it is issued in exercise of the power so conferred.
- (2) It is desirable but not essential that one officer at least belonging to the same force as the offender should sit as a member of the court martial. When possible the president should be selected from that force.
- (3) At the conclusion of the court martial the minutes should be sent by the convening authority to the Minister of the Dominion concerned and a copy forwarded to the Admiralty for information.
- (4) Where detention or any greater punishment is awarded by the court martial the offender is to be dealt with in all respects as if he belonged to the Royal Navy except that if, as is generally desirable, it is intended that he should serve his sentence in the Dominion, arrangements should be made for the issue of a warrant for his detention or imprisonment by the proper authority on his arrival in the Dominion to which he belongs. If dismissed from the Service he is entitled to a free passage to a port of the Dominion to which he belongs.
- (5) In the case of offenders sentenced to be dismissed from His Majesty's Service with or without disgrace the offender is to be sent by the first Government opportunity to the Dominion to which he belongs.

B.—Where officers and men of a Dominion Naval Force are borne on one of the ships of the Royal Navy:—

- (1) Offenders belonging to the Dominion Forces borne on the books of a ship of the Royal Navy are subject to the Naval Discipline Act and King's Regulations and Admiralty Instructions in the ordinary way; but the instructions contained in A. (2) and (3) should be followed in their cases.

- (2) The convening authority should issue the warrant for imprisonment in respect of which the routine usual in the case of offenders belonging to the Royal Navy should be followed.
- (3) In the case of an offender sentenced to dismissal from His Majesty's Service either at once or at the expiration of a term of imprisonment, he is entitled to a free passage to a port of the Dominion to which he belongs.

II.—Summary Punishments.

(1) In the case of men borne on the books of a ship of the Royal Navy, the ordinary routine is to be followed.

(2) In the case of men borne on the books of a ship provided and maintained by a Dominion attached to a fleet or squadron of the Royal Navy or who are temporarily under the orders of an officer of the Royal Navy the provisions of Article 756 (5) are to apply, it being left however to the commanding officer of the Dominion ship to carry out the sentence. When any cases are referred by the commanding officer to his senior officer for approval under Sections II., V., VI., and VII. of Chapter XIX. and under Chapter XXI. of the King's Regulations, the latter officer is to seek to be guided by the practice of the Dominion in coming to a decision.

(3) Commanders-in-Chief of the Royal Navy are not in any case to exercise with regard to subordinate officers the powers conferred by Section 57 of the Naval Discipline Act. In cases where—if the offender belonged to the Royal Navy—the Commander-in-Chief would have acted under the powers conferred by that section he is to send a confidential report in writing of the circumstances to the Minister of the Dominion in whose service the offender is, requesting him to take such steps in the case as he may be advised.

III.—Relations in time of war.

In time of war when Dominion ships and men have been placed at the disposal of the Admiralty, the Naval Discipline Act applies exactly in the same manner as to the officers and men of the Royal Navy, and the usual routine is to be followed without any modification.

9726

No. 44.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 45.]

SIR,

Downing Street, 11 April, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 25th March,* on the subject of the instructions to be issued to officers of the Royal Navy and of navies in the self-governing Dominions to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to each other.

2. I am to invite the attention of the Lords Commissioners of the Admiralty to the letter from this Office of the 20th January† on the subject of the Naval Defence Act, 1911, of the Commonwealth of Australia, from which it will be seen that no legislation has yet been passed by the Parliament of the Commonwealth to bring the Naval Discipline (Dominion Naval Forces) Act, 1911, into force as regards the Naval Forces of the Commonwealth. In the case of Canada also the legislation necessary under Section 1 (2) of that Act has not yet been passed, and it is not probable that the Government of the Dominion will be in a position to propose such legislation to the Canadian Parliament at an early date.

In view of these facts, Mr. Harcourt will be glad to learn whether their Lordships consider it desirable to communicate the draft instructions enclosed in your letter forthwith to the Governments of the Dominion of Canada and of the Commonwealth of Australia.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 43.

† No. 41.

14962

No. 45.

ADMIRALTY to COLONIAL OFFICE.

(Received 15 May, 1912.)

[Answered by No. 46.]

SIR,

Admiralty, 14th May, 1912.

My Lords Commissioners of the Admiralty have had before them your letter of the 11th April, No. 9726,* on the subject of the instructions to be issued to officers of the Royal Navy and of navies in the self-governing Dominions to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to each other.

2. In reply I am commanded by their Lordships to acquaint you that it is considered desirable that the proposed instructions should be communicated to the Governments of Australia and Canada without delay, as the representatives of the two Dominions were given to understand that such instructions would be drafted and sent for consideration as soon as the Act of Parliament amending the Naval Discipline Act had been passed. This legislation has now been obtained, the Bill having previously been concurred in by the two Dominion Governments.

3. With regard to the legal point raised in your letter, I am to state that Sub-section (2) of Clause 1 of the Naval Discipline (Dominion Naval Forces) Act was drafted to cover the agreement come to with the representatives of Australia and Canada, and it was expressly worded so as to leave full discretion to the Dominion Governments to apply the Act to their naval forces by legislation or executive act as they might think it expedient, and it was not thought necessary to draw particular attention to this sub-section in sending out the draft instructions.

4. In view, however, of the further consideration which has been given to the legal effect of the provisions, my Lords agree that it would be desirable that in transmitting the proposed instructions, the attention of the Dominion Governments should be drawn to the sub-section referred to, and that they should be informed that it is presumed that such action will be taken as will leave no doubt that the provisions of the agreement, as embodied in the Act, have been applied to the naval forces of the Dominion.

I am, &c.,
W. GRAHAM GREENE.

14962

No. 46.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 47.]

SIR,

Downing Street, 27 May, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 14th of May,† on the subject of the instructions to be issued to the officers of the Royal Navy and of the Royal Canadian and Australian navies, to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to each other.

2. In reply I am to transmit to you the draft of a despatch which, with the concurrence of their Lordships, Mr. Harcourt proposes to address to the Governors-General of Canada and the Commonwealth of Australia on this subject.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

Enclosure in No. 46.

[The draft despatch to the Governors-General of Canada and the Commonwealth of Australia is identical with No. 48, with the exception of paragraph 3.]

3. In my despatch above referred to, I transmitted to you copies of the Act passed by the Imperial Parliament, which authorized the Admiralty to give such

* No. 44.

† No. 45.

instructions to the officers and men of the Royal Navy, and your Ministers will no doubt agree that it is desirable to take such steps as they consider necessary to comply with the condition of Section 1 (2) of that Act, which provides that it shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless or until provision to that effect has been made in the Dominion. I shall be glad to be informed when such steps have been taken. [To Australia: I am advised that Act No. 16 of 1911 does not adequately comply with the provisions of Section 1 (2).]

17969

No. 47.

ADMIRALTY to COLONIAL OFFICE.

(Received 11 June, 1912.)

[Answered by No. 49.]

SIR,

Admiralty, 10th June, 1912.

In reply to your letter of the 27th May, 19062,* I am commanded by my Lords Commissioners of the Admiralty to acquaint you that, while concurring generally in the terms of the draft letter to the Governors-General of Canada and Australia on the subject of the instructions to be issued to officers of the Royal Navy and the Dominion Navies as to the application of the Naval Discipline Act, they would suggest the following modifications in paragraph 3:—

- (a) It is proposed to omit the words in the fourth, fifth, and sixth lines from "which" to "Navy."

These words are unnecessary and might be misunderstood.

- (b) The reference at the end as to the Australian Act deals with the subject very briefly and would seem to require amplification in order to be understood. As the Secretary of State will remember, this Act was passed without any opportunity being given to their Lordships to consider its effect, and, in the opinion of their legal advisers, it tends rather to confusion than to simplification. At the same time it would be difficult to discuss the matter by official correspondence, and it is thought preferable that the legal questions involved should be left to the test of actual experience. It is, therefore, proposed that the reference be omitted.

I am, &c.,

W. GRAHAM GREENE.

14962

No. 48.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 426.)

(Australia. No. 265.)

[SIR].

[MY LORD].

Downing Street, 22nd June, 1912.

WITH reference to my despatch, No. [10] [11] of the 6th of January last,† I have to request [Your Royal Highness] [Your Excellency] to inform your Ministers that the Lords Commissioners of the Admiralty have had under their consideration the instructions to be issued to officers of the Royal Navy and of the Royal Canadian and Australian Navies respectively, in order to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to one another, in accordance with the agreement arrived at at the Imperial Conference of 1911.

2. During that Conference it was agreed that effect should be given to the general principles included in the arrangement by instructions issued by the Admiralty and by the Naval Departments of the Dominion of Canada and of the Commonwealth of Australia, on the understanding that each Government would take

* No. 46.

† No. 40.

such steps as might be considered necessary to insure the application of the instructions to its own officers and men.

3. In my despatch above referred to, I transmitted to you copies of the Act passed by the Imperial Parliament, and your Ministers will no doubt agree that it is desirable to take such steps as they consider necessary to comply with the condition of Section 1 (2) of that Act, which provides that it shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless or until provision to that effect has been made in the Dominion. I shall be glad to be informed when such steps have been taken.

4. In anticipation of the bringing of the Act into force, the Lords Commissioners of the Admiralty have prepared a draft of instructions,* a copy of which is enclosed, which they would propose to issue for the guidance of officers of the Royal Navy. The form of the instructions is such that their Lordships consider that, with the necessary alterations, they might be usefully applied by the Governments of Canada and Australia to their respective services.

5. I shall be glad to receive in due course any observations which your Ministers may have to offer upon the draft instructions.

I have, &c.,

L. HARCOURT.

17969

No. 49.

COLONIAL OFFICE to ADMIRALTY.

Downing Street, 29 June, 1912.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th of June,† and to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copies of the despatches‡ which have been addressed to the Governors-General of the Dominion of Canada and the Commonwealth of Australia on the subject of the instructions to be issued to officers of the Royal Navy and of the Royal Canadian and Australian Navies respectively, in order to regulate the application of the Naval Discipline Act to officers and men of the various services in relation to one another.

2. Their Lordships will observe that the alterations suggested in your letter have been made in the despatches as sent to the Governors-General, but with regard to the penultimate sentence of your letter Mr. Harcourt desires to observe that it does not seem possible to him to avoid the subject of the extent to which the Act passed by the Parliament of the Commonwealth of Australia in 1911 carries out the agreement arrived at at the Imperial Conference forming the subject of official correspondence. He proposes, however, to defer further observations on the matter until he receives a reply from the Government of the Commonwealth to his despatch of the 22nd of June.‡

I am, &c.,

H. W. JUST.

20701

No. 50.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.15 a.m., 4 July, 1912.)

TELEGRAM.

[Copy to Admiralty, July 6, 1912. L.F. See No. 55.]

[Answered by No. 60.]

Ministers request me to send you following message. Would be glad to receive Admiralty's concurrence in proposal that when Commonwealth ships are in the

* Enclosure in No. 43.

† No. 47.

‡ No. 48.

presence of Naval Commander-in-Chief the Government of Commonwealth of Australia should, for purposes of discipline and training, be permitted to confer on the Naval Commander-in-Chief personally the powers of command on such matters under the Government of Commonwealth of Australia and the Naval Board.—
DENMAN.

24675

No. 51.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5 August, 1912.)

[Answered by No. 53.]

(Secret.)

SIR, Melbourne, 25th June, 1912.
REFERRING to my cablegram of the 13th February last,* relative to the ratification by the Commonwealth Government of the Agreement arrived at in 1911 between the Admiralty and representatives of the Dominions of Canada and Australia, I have the honour to state, for the information of the Lords Commissioners of the Admiralty, that this Government is desirous of arranging a definite scheme by which, in time of emergency or of war, the Commonwealth Government would be in a position to expeditiously place its Naval Service at the disposal of the Imperial Government.

2. Under Clause 16 of the Naval Agreement it was agreed that in time of war when the Naval Service of a Dominion or any part thereof has been put at the disposal of the Imperial Government by the Dominion authorities, the ships will form an integral part of the British Fleet and remain under the control of the British Admiralty during the continuance of war.

3. Ministers recognise that, in order to render the co-operation of the Commonwealth Naval Service in time of emergency or war as effective as possible, it is necessary that a plan of action should be fully arranged beforehand. They therefore suggest for consideration by the Lords Commissioners of the Admiralty the following procedure for carrying this into effect:—

- (a) War orders for the employment of H.M.A. ships to be drawn up by the Admiralty in consultation with the Naval Representative of the Commonwealth Naval Board, and to be then communicated by the Admiralty to the Commonwealth Government.
- (b) The Commonwealth Government, through the Naval Board, to take such steps as may be necessary to communicate such orders to officers commanding H.M.A. ships and other officers concerned.
- (c) On receipt of a pre-arranged cablegram from the Secretary of State for the Colonies to the Governor-General, the Naval Board and the Naval Service of the Commonwealth could thus be placed immediately under the control of the British Admiralty.
- (d) Immediately on receipt of such cablegram, the Commonwealth Government could instruct the Naval Board to put into execution the "War Orders" referred to in (a) and to issue the necessary instructions to H.M.A. ships and the officers concerned.
- (e) From such time until the end of the war or the end of the emergency, the Naval Board would, whilst keeping the Commonwealth Government informed, report direct to the Admiralty, and would act in every way as if they were in the position of a Commander-in-Chief appointed by the Admiralty: any instructions issued by the Admiralty as regards movements of H.M.A. ships would be carried out exactly as the Admiralty directed, and the Naval Board would keep the Admiralty informed of all proceedings.

4. Generally the Commonwealth Government will welcome any advice or suggestions by the Admiralty which will enable it to render the Naval Service of the

* No. 42.

Commonwealth as efficient an instrument as possible in sharing in the defence of the Empire.

5. Pending the arrival of the fleet unit in Australian waters and the transfer of the command of the naval forces from the Commander-in-Chief to the Naval Board, the Commonwealth Government could, in time of emergency or war, place its Naval Service under the control of the Naval Commander-in-Chief on the station, who would be so informed, and requested to inform the Naval Board as to any war instructions he may wish to be given to H.M.A. ships.

I have, &c.,

DENMAN,

Governor-General.

24675

No. 52.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by Nos. 62 and 76.]

SIR,

Downing Street, 14 August, 1912.

WITH reference to the letter from this Office of the 6th July,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia, on the subject of the co-operation of the Naval Service of the Commonwealth with the Admiralty in time of war.

2. Mr. Harcourt will be glad to receive an intimation of the views of their Lordships on the proposals made in this despatch.

3. I am, in this connexion, to draw attention to the letter from this Office of 29th June‡ and previous correspondence regarding the necessity for legislation to bring into force, as regards the Commonwealth, the Naval Discipline (Dominion Naval Forces) Act, 1911, Section 1 (2) of which provides that it shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless provision to that effect is made in the Dominion.

4. As their Lordships are aware, the present Parliament of the Commonwealth must be dissolved after the conclusion of the current session, and Mr. Harcourt considers that it is of importance that the necessary legislation to enable any scheme of co-operation to be legally effective should be passed before the Parliament is dissolved.

5. I am, at the same time, to draw attention to the letter from this Office of the 6th July,* to which no reply has at present been received.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

24675

No. 53.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Secret (2).]

MY LORD,

Downing Street, 16 August, 1912.

I HAVE the honour to acknowledge the receipt of Your Excellency's Secret despatch of 25th June,† on the subject of the arrangements for placing, in time of emergency or war, the Naval Service of the Commonwealth at the disposal of the Imperial Government.

* L.F. transmitting copy of No. 50.

† No. 51.

‡ No. 49.

29252

D 2

2. I am in communication with the Lords Commissioners of the Admiralty on the subject of the proposal of your Government, and also in regard to the proposal contained in your telegram of 4 July,* and a further despatch will be addressed to you as soon as possible.

I have, &c.,
L. HARCOURT.

25056

No. 54.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

[Answered by No. 78.]

(Canada.)

(Australia.)

(Confidential.)

[Sir] [My Lord].

Downing Street, 17 August, 1912.

I HAVE the honour to request [Your Royal Highness] [Your Excellency] to inform your Ministers that in connexion with the discussion of the status of the Navies of the self-governing Dominions which took place at the Imperial Conference of 1911, the Lords Commissioners of the Admiralty have had under consideration the question of the form of the commissions of officers of the various Navies under the authority of the Crown.

2. I enclose a memorandum which sets forth briefly the reasons which render it desirable that the form of commission issued to naval officers in the Dominion navies should be as far as possible the same as that issued to officers of the Royal Navy.

3. I shall be glad to learn whether your Ministers concur in the proposals of the Lords Commissioners of the Admiralty.

I have, &c.,
L. HARCOURT.

Enclosure in No. 54.

NAVAL COMMISSIONS FOR IMPERIAL FORCES.

Having regard to the position under municipal and international law which officers holding naval and military commissions of the sovereign authority occupy in relation to each other and the officers of foreign nations, it has been recognised as important that the form of the commission issued to officers of the forces maintained by the various self-governing portions of the British Empire should be as far as possible the same.

2. The question was discussed incidentally at the time of the Conference with the representatives of the Dominions in 1911, and though no definite decision was arrived at it was understood that the principle of a common form of commission was accepted, and it was left to the Admiralty to make the necessary proposals.

3. The importance of a common form of commission lies in the fact, not that such a commission would bring into existence any rights of command which would not otherwise exist (such questions having been settled by the agreements and legislative action which "has been or will be" taken in the Dominions and the Imperial Parliament), but that such a commission would be the symbol that the officer was in the fullest sense the officer of an Imperial Force and had, in case of need, behind him the whole of that Force.

4. Though the possession of a commission confers on the holder the status of a commissioned officer it does not by itself give him any right of command as such, whether over the officers and men of his own service or those of any other. For this purpose the officer must hold an appointment by the proper authority duly

* No. 50.

charging him with the power to act in the discharge of a certain duty; the adoption, therefore, of a common form of commission would in no way affect the relative position of the officer to his own superior authority or to any other such authority.

5. The advantage of an arrangement whereby the proper authority in the different Dominions would have the power to issue such commissions equally with that of the United Kingdom would be that while there would be no interference with the powers already existing to issue commissions either in the Royal Navy or in one or other of the Dominion Fleets, there would be the additional power conferred on the Governors-General to issue commissions which in case of need would be effective for service in the Royal Navy, and on the other hand on the Admiralty to issue commissions effective for service in the Dominion navies.

6. The result of this would be that if the Dominions had, in pursuance of the agreement, placed their ships at the disposal of the Admiralty, and by reason of casualties occasioned by a fleet action it became necessary to transfer, *i.e.*, appoint, officers from a ship of one Dominion to that of another, or from Dominion ships to ships of the Royal Navy or *vice versa*, no new commissions would be necessary.

7. From a disciplinary point of view no question could then arise as to the status of an officer, as the commission, whether issued by the Admiralty or the Dominion authority, would have an equal value, and this coupled with an appointment by the proper authority would enable an officer temporarily serving with a force to act with all the powers and responsibilities inherent in an officer permanently attached to that force.

8. In order to give effect to this mutual arrangement the Law Officers have advised that an Order in Council should be passed by His Majesty on the following lines:—

9. The Order in Council after reciting the establishment of Dominion Navies by the Commonwealth of Australia and the Dominion of Canada and the possibility of establishing other naval forces within the Empire should authorise the Admiralty and the Governor-General of any Dominion to issue Commissions in the prescribed form for service in His Majesty's Fleet, and should define that expression to include as well as the Royal Navy the fleets provided and maintained by any self-governing Dominion. The Order in Council should provide that all commissions already issued whether by the Admiralty or in accordance with the law in force in any Dominion should be deemed to have been issued for service in His Majesty's Fleet.

10. The Law Officers did not consider it necessary at the present time to settle the actual form of the commission in anticipation of the expression of views by the Dominion Government concerned, but in their opinion it should be as nearly as possible in the form at present in use in the Royal Navy.

11. A copy of a form drafted on such lines is appended.

BY THE GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF OF THE [COMMONWEALTH OF AUSTRALIA] [DOMINION OF CANADA].

To _____, hereby appointed
in His Majesty's Fleet.

By virtue of all powers me hereunto enabling I do hereby constitute and appoint you a _____ in His Majesty's Fleet; Willing and requiring you from time to time to go on board and take upon you the Charge and Command of _____ in any ship or vessel to which you may hereafter at any time be duly appointed or the Charge and Command of any higher rank to which you may be promoted the same being notified to you and Gazetted. Strictly Charging and Commanding all the Officers and Company of the said Ship or Vessel subordinate to you to behave themselves jointly and severally in their respective employments with all due respect and Obedience unto you, and you likewise to observe and execute the General Printed Instructions and such orders and Directions as you shall from time to time receive from me or any other your Superior Officers for His Majesty's Service. Hereof, nor you nor any of you may fail as you will answer the contrary at your peril. And for so doing this shall be your Commission.

Given under my hand and the Seal of the [Commonwealth of Australia]
[Dominion of Canada] this day of 19 in the year of His
Majesty's Reign.

By Command.
With Seniority of

26652

No. 55.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 24 August, 1912.)

[Answered by No. 56.]

SIR,

Admiralty, 23rd August, 1912.

My Lords Commissioners of the Admiralty have had under consideration your letter of the 6th ultimo, No. 20701,* enclosing copy of a proposal from the Governor-General of the Commonwealth of Australia that the Commonwealth Government should confer powers on the Naval Commander-in-Chief for purposes of discipline and training, at such times as Commonwealth ships are in the presence of the Commander-in-Chief.

2. The telegram as worded was not altogether free from doubt, and my Lords have found it necessary to telegraph to the Commander-in-Chief for an explanation, but they now believe that they are in possession of the reasons which led to the communication.

3. I am accordingly desired by their Lordships to suggest that if the Secretary of State for the Colonies sees no objection, a telegram should be sent to the Governor-General as follows:—

"Governor-General's telegram of 4th July. Admiralty concur generally, but suggest question of discipline in relations of Australian ships to Royal Navy ships should be governed by memorandum enclosed in Colonial Office despatch of 22nd June.† In other matters relations generally should be governed by clauses nine and fifteen of Agreement of 1911, all necessary routine being left to the Commander-in-Chief to arrange with the Commonwealth Navy Board."

I am, &c.,
O. MURRAY.

26652

No. 56.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 57.]

SIR,

Downing Street, 28 August, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd August,‡ on the subject of the proposal of the Government of the Commonwealth of Australia to confer powers on the Naval Commander-in-Chief for purposes of discipline and training.

2. Before replying to Lord Denman's telegram of the 4th July,§ Mr. Harcourt will be glad to learn the nature of the explanation received from the Commander-in-Chief to which reference is made in the second paragraph of your letter; and to learn whether the views of the Admiralty are in any way affected by the detailed information as to the proposals of the Government of the Commonwealth of

* L.F. transmitting copy of No. 50. † No. 48. ‡ No. 55. § No. 50.

Australia, as explained in the Governor-General's despatch of the 25th June,* a copy of which accompanied the letter from this Office of the 14th August,† and to which no reference is made in your letter under acknowledgment.

I am, &c.,
H. W. JUST.

27279

No. 57.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 30 August, 1912.)

[Answered by No. 58.]

SIR,

Admiralty, 29th August, 1912.

IN reply to your letter of yesterday's date,‡ relative to the reply which it is suggested should be sent to the Governor-General of the Commonwealth of Australia regarding the proposal of the Commonwealth Government to confer powers on the Naval Commander-in-Chief for the purposes of discipline and training, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that their views on this particular question are in no way affected by the information contained in the Governor-General's despatch of the 25th June,* which will be the subject of a separate communication.

The explanation received from the Commander-in-Chief mentioned in Admiralty letter of the 23rd instant§ was to the effect that the reference to "training" in the Governor-General's telegram|| (the precise meaning of which term in this connection was not quite clear to their Lordships) meant that ships of the Royal Australian Navy, when in the presence of his flag, should comply with routine signals for drill and evolutions.

I am, &c.,
O. MURRAY.

27882

No. 57A.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3 September, 1912.)

[Answered by L.F. transmitting copy of 10297 in Dominions No. 47.]

(No. 462.)

SIR,

St. Andrews, New Brunswick, 23 August, 1912.

I HAVE the honour to forward, herewith, for transmission to the Admiralty, copies of a letter from the Department of External Affairs, dated 16th August, 1912, respecting the wearing of flags: conflict between Article 122 of the King's Regulations and Admiralty Instructions and the terms of the second paragraph of Colonial Office despatch, No. 167, of 16th December, 1865.

Reference to previous despatch, Colonial Office, No. 167, 16 December, 1865.†

I have, &c.,
ARTHUR.

Enclosure in No. 57A.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 16th August, 1912.

AT the instance of the Department of Marine and Fisheries I have the honour to request that steps may be taken to draw the attention of the Lords Commissioners

* No. 51. † No. 52. ‡ No. 56. § No. 55. || No. 50. ¶ See enclosure 2 in No. 58A.

of the Admiralty to what is alleged to be a conflict between Article 122 of the King's Regulations and Admiralty Instructions and the terms of the second paragraph of Colonial Office despatch, No. 167, of the 16th December, 1865, as to the wearing of flags.

The difference is thus stated by the Deputy Minister of Marine and Fisheries —

"Article 122 appears by the heading to apply the whole Regulation to vessels maintained under the Colonial Defence Act of 1865, whereas, according to the despatch above mentioned, sub-section A of the article only applies to those vessels so maintained. Sub-section B, according to the wording and according to the despatch above-mentioned, has reference to vessels which are not maintained under the Colonial Defence Act of 1865."

I have, &c.,

W. H. WALKER,
Acting Under-Secretary of State for External Affairs.

27279

No. 58.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 59.]

SIR,

Downing Street, 5 September, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 29th August,* on the subject of the proposal of the Government of the Commonwealth of Australia to confer certain powers upon the Naval Commander-in-Chief.

2. In reply I am to request that you will call the attention of the Lords Commissioners of the Admiralty to a difficulty which arises with regard to the first sentence of the draft reply suggested in the third paragraph of your letter of the 23rd August† to the telegram from the Governor-General of the 4th July‡. It is suggested in the draft that the question of discipline in the relations of Australian ships to ships of the Royal Navy should be governed by the memorandum enclosed in the Secretary of State's despatch of the 22nd June.§ I am, however, to point out that the memorandum enclosed in that despatch contemplates a state of affairs which has not yet arisen. It is assumed in that memorandum that the Act 1 and 2 Geo. V., ch. 47, is applicable to Australia, but, as has already been pointed out in the letters from this Office of the 20th January, the 11th of April and the 14th August,|| no legislation has yet been passed in the Commonwealth to bring that Act into force, and therefore it is not yet possible to regulate the relations of the ships of the Australian and the Imperial Navies in accordance with the powers given by the Act.

3. It was, no doubt, for this reason that the proposal made by the Commonwealth Government in the Governor-General's telegram of the 4th July makes no reference to the powers given by the Imperial Act and is confined to a suggestion that the Government of the Commonwealth should be permitted to exercise the powers vested in the Governor-General by the Naval Defence Act of 1910 and to confer upon the Naval Commander-in-Chief certain powers. Mr. Harcourt would therefore suggest that, unless their Lordships see any objection to the conferring of such powers, the Governor-General should be informed that the Admiralty have no objection to the grant of the proposed powers to the Naval Commander-in-Chief and that they presume that the relations of the Imperial and Australian forces will, so far as practicable, be governed by the Agreement of 1911 published in [Cd. 5746-2].

I am, &c.,

H. W. JUST.

* No. 57. † No. 55. ‡ No. 50. § No. 48. || Nos. 41, 44, and 52.

27882

No. 58A.

CANADA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by 10297 in Dominions No. 47.]

SIR,

Downing Street, 10th September, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, a copy of a letter* from the Department of External Affairs of Canada relative to an alleged discrepancy between Article 122 of the King's Regulations and Admiralty Instructions and the terms of a despatch from the Secretary of State, No. 167, of the 16th December, 1865, as to the flags to be flown by Government vessels in the Colonies. An extract from this despatch is also enclosed, and Mr. Harcourt would be glad if their Lordships will be good enough to inform him what answer should be returned to the Governor-General.

I am, &c.,

H. W. JUST.

Enclosure 2 in No. 58A.

THE SECRETARY OF STATE to the OFFICER ADMINISTERING THE GOVERNMENT OF CANADA.

(No. 167.)

(Extract.)

16th December, 1865.

I have now the honour to inform you that the Lords Commissioners of the Admiralty have decided that any vessel provided and used under the 3rd section of the Colonial Naval and Defence Act, 28 Vic. Cap. XIV, shall wear the blue ensign with the seal or badge of the Colony in the fly thereof, and a blue pennant. Their Lordships have also decided that all vessels belonging to or permanently in the service of the Colonies, but not commissioned as vessels of war under the Act above referred to, shall wear a similar blue ensign, but not the pennant.

You will take care that these instructions be in future strictly complied with.

29594

No. 59.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 19 September, 1912.)

[Answered by L.F. transmitting copy of No. 60.]

SIR,

Admiralty, 18th September, 1912.

WITH reference to your letter of the 5th instant, No. 27279/1912,† relative to the proposal of the Government of the Commonwealth of Australia to confer certain powers upon the Naval Commander-in-Chief, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they concur in the terms of the reply which Mr. Harcourt suggests should be sent to the Governor-General on the subject.

I am, &c.,

O. MURRAY.

* Enclosure in No. 57A.

† No. 58.

29594

No. 60.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.15 p.m., 21st September, 1912.)

TELEGRAM.

[Copy to Admiralty, September 24, 1912. L.F.]

Your telegram 4th July.* Lords Commissioners of the Admiralty concur in proposal to confer on Naval Commander-in-Chief powers of command. They assume that the relations of Imperial and Australian forces will so far as practicable be governed by Agreement of 1911 (Cd. 5746-2).—HARCOURT.

35120

No. 61.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 6th November, 1912.)

TELEGRAM.

[Answered by Nos. 63 and 64.]

(Paraphrase.)

If you have sent a reply to my secret despatch of June 25th† by mail, will you telegraph the substance to me?

I am most anxious to hear decision on the subject of the Commonwealth naval unit in time of war, concerning which I asked for information in my despatch above-mentioned.—DENMAN.

35353/S

No. 62.

AUSTRALIA.

ADMIRALTY TO COLONIAL OFFICE.

(Received 8 November, 1912.)

[Answered by No. 67.]

(Confidential.)

SIR,

Admiralty, 8th November, 1912.

WITH reference to your letters of the 14th August, No. 24675, and the 29th ultimo, No. 29594,‡ I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, copies of cypher telegrams which have passed between the Commander-in-Chief, Australia, and the Admiralty dealing with the relations of the Naval Service of the Commonwealth and the Admiralty in emergency and war.

2. It will be seen that, owing to the proposed public statement in Australia, it has been necessary to send an *interim* reply without delay to the Commander-in-Chief, Australia, direct. The formal reply to your letter of 14th August, for transmission to the Governor-General of the Commonwealth, will be sent shortly.

I am, &c.,
O. MURRAY.

* No. 50.

† No. 51.

‡ No. 52 and a Reminder.

Enclosure 1 in No. 62.

COMMANDER-IN-CHIEF, AUSTRALIA, TO ADMIRALTY.

TELEGRAM.

(No. 129.)

(Paraphrase.)

FIRST LORD,

4th November, 1912.

I HAVE held conference with Naval Board in reference to New Zealand joining with Commonwealth as regards naval defences. Commonwealth anxious they should do so and ready to offer favourable and liberal terms to Dominion Government. Dominion Government is inclined to join up; waiting to consult me end of this month. I shall inform them of general offer and terms. Most important answer should be sent by telegraph stating Admiralty will agree to proposals made by Commonwealth Government in Confidential letter June, 1912, so that the Prime Minister should be able to state Lord Mayor's dinner, Melbourne, 9th November, that Royal Australian Navy would be under control of British Admiralty in time of emergency or war. This would have very great effect in bringing in New Zealand and beneficial effect generally. In war or emergency no intention on part of Naval Board to interfere in any way with the strategy or executive control of British Admiralty once the ships have been placed under their command. Naval Board's only idea is to be informed of orders in order that they may expedite and in every way further and assist Admiralty orders.

Enclosure 2 in No. 62.

ADMIRALTY TO COMMANDER-IN-CHIEF, AUSTRALIA.

TELEGRAM.

(No. 100.)

(Paraphrase.)

7th November, 1912.

Your 129. Admiralty much appreciate proposal that Naval Board and Naval Service of Commonwealth should be placed immediately under control of Admiralty in emergency or war, and concur generally in procedure for preparing and communicating war orders in advance. After first disposition of Royal Australian Navy in war has been ordered by Admiralty through Naval Board, Australian ships would come under orders of Admiralty through the Commander-in-Chief under whom they were serving without intervention of Naval Board except Australian ships retained in Australian waters for station duties. The Naval Board would, however, be informed of any important instructions or orders given to ships of the Royal Australian Navy, and would act on behalf of the Admiralty in expediting the service of all ancillary and administrative matters.

As the procedure requires careful definition and should be regarded as confidential, it is undesirable that particulars should be published. An announcement by the Prime Minister in general terms that the Australian Navy would be under the control of the British Admiralty in time of emergency or war would however be welcome.

Letter dealing with proposed procedure in detail follows through usual channel.

35120

No. 63.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.35 p.m., 8th November, 1912.)

TELEGRAM.

Your telegram 6th November.* I am still in communication with Lords Commissioners Admiralty, and will reply as soon as possible.—HARCOURT.

* No. 61.

35353/S

No. 64.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 9.2 p.m., 8th November, 1912.)

TELEGRAM.

[Answered by No. 65.]

(Paraphrase.)

Personal. My telegram of to-day.* Have since learnt from Admiralty that following has been sent direct on 7th instant to Naval Commander-in-Chief in reply to telegram from latter reporting that your Prime Minister wishes to be able to announce at Lord Mayor's dinner Melbourne to-morrow that Australian Navy would be under control of Admiralty in time of emergency or war:—

"Your 129. Admiralty much appreciate proposal that Naval Board and Naval Service of Commonwealth should be placed immediately under control of Admiralty in emergency or war, and concur generally in procedure for preparing and communicating war orders in advance. After first disposition of Royal Australian Navy in war has been ordered by Admiralty through Naval Board, Australian ships would come under orders of Admiralty through the Commander-in-Chief under whom they were serving without intervention of Naval Board, except Australian ships retained in Australian waters for station duties. The Naval Board would, however, be informed of any important instructions or orders given to ships of the Royal Australian Navy and would act on behalf of the Admiralty in expediting the service of all ancillary and administrative matters.

"As the procedure requires careful definition and should be regarded as confidential, it is undesirable that particulars should be published. An announcement by the Prime Minister in general terms that the Australian Navy would be under the control of the British Admiralty in time of emergency or war would, however, be welcome.

"Letter dealing with proposed procedure in detail follows through usual channel."

HARCOURT.

35673/S

No. 65.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12.4 p.m., 11th November, 1912.)

TELEGRAM.

[Answered by No. 64.]

(Paraphrase.)

Please communicate the following message to the First Lord of the Admiralty, with reference to your telegram of the 8th of November.†

Your speech at the Guildhall is reported as follows in the newspapers:—

"At that moment the Commonwealth Prime Minister was explaining how the Australian fleet would be controlled by Admiralty in war time."

I regret that this statement as reported went beyond the actual words used by the Prime Minister, which were as follows:—

"The Federal Parliament, quite apart from party, believed that the safety of Australia lay in having a new up-to-date naval unit, manned and controlled by the Australian people. And, in making this statement, neither he nor the Ministry altered by one tittle or jot the policy laid down three years ago, that while the Navy was for Australian defence it would always work in hearty co-operation in every water for the defence of the Empire and Australian interests."

* No. 63.

† No. 64.

The statement of the First Lord also goes further than is warranted by my Secret despatch of the 25th of June last.* It is contemplated by the Commonwealth Government that their consent will always be necessary in every instance before the Australian Navy can be placed under the control of the Admiralty, and the proposals contained in my despatch under reference were intended to define the machinery for carrying the arrangement into effect after such consent had been given. My Government find it necessary for local political reasons to emphasize the fact that the Australian Navy will always be manned and controlled by the Commonwealth.

I would suggest that any further statements made at home at present should not go beyond a reference to readiness to co-operate cordially with the Imperial Navy.—DENMAN.

35673/S

No. 66.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.45 p.m., November 11th, 1912.)

TELEGRAM.

(Paraphrase.)

With reference to your Secret telegram of the 11th.† The statement of the naval position as defined by your Prime Minister is fully accepted by the First Lord of the Admiralty.

Mr. Churchill regrets any misunderstanding which may have arisen and will take an opportunity of putting the matter right in this country.—HARCOURT.

35673/S

No. 67.

AUSTRALIA.

COLONIAL OFFICE TO ADMIRALTY.

[Answered by No. 68.]

(Confidential.)

SIR,

Downing Street, 13 November, 1912.

With reference to your letter of the 8th instant,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copies of telegraphic correspondence§ with the Governor-General of the Commonwealth of Australia on the subject of the position of the Australian Navy in time of emergency or war.

2. Mr. Harcourt will no doubt receive in due course the further communication promised in paragraph 2 of your letter under reference.

I am, &c.,

H. W. JUST.

36034/S

No. 68.

AUSTRALIA.

ADMIRALTY TO COLONIAL OFFICE.

(Received 14 November, 1912.)

[Answered by No. 73.]

(Confidential.)

SIR,

Admiralty, 14th November, 1912.

With reference to your letter of the 13th instant, No. 35673/1912,|| I am commanded by my Lords Commissioners of the Admiralty to request that you will move

* No. 51.

† No. 65.

‡ No. 62.

§ Nos. 61, 63, 64, 65, 66.

|| No. 67.

the Secretary of State for the Colonies to cause the accompanying draft telegram* to be sent on behalf of the Admiralty to the Governor-General of Australia.

I am, &c.,
O. MURRAY.

35907/S

No. 69.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 14 November, 1912.

In continuation of the letter from this Office of yesterday's date (No. 35673),† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copy of a telegram‡ from the Governor-General of the Commonwealth of Australia on the subject of the Australian Navy.

2. I am to express Mr. Harcourt's strong opinion that a communication of so important a political character should not have been made otherwise than through the only constitutional channel, viz., the Secretary of State for the Colonies and the Governor-General, and I am to say that he considers it necessary that the conditions governing communications through the High Commissioner, which are now under discussion by a joint committee, should be so framed as to prevent the possibility of the recurrence of such an incident.

I am, &c.,
JOHN ANDERSON.

35907/S

No. 70.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 14 November, 1912.)

TELEGRAM.

(Paraphrase.)

Secret. With reference to your telegram of 13 November,‡ The message from Sir G. Reid was sent at the request of the Admiralty and is correct, except that the High Commissioner added the last sentence beginning with the words "Very urgent," and that at the beginning of the message the words "in the near East" should be inserted after "critical state of affairs."

The question of the method of communication through the High Commissioner is under discussion with the Admiralty.—HARCOURT.

36034/S

No. 71.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.15 p.m., 14 November, 1912.)

TELEGRAM.

[Answered by No. 72.]

(Paraphrase.)

In continuation of my telegram of 11th instant,§ the Commander-in-Chief will show you the telegrams which passed between him and the Admiralty on which the First Lord's statement was based. From these you will see how the misunderstanding arose at the Admiralty. Nothing further from wishes of Admiralty than to commit Commonwealth to any position on this question other than that defined in Governor-General's Secret despatch of 25th June.¶ It is important, however, to

* See No. 71. † No. 67. ‡ 35907: not printed. § No. 66. ¶ No. 51.

avoid as far as possible the appearance of a divergence between views of Admiralty and of Commonwealth Government where none exists. First Lord would therefore be glad if the Prime Minister would suggest the form of words which would best meet the case while safeguarding the Commonwealth position.—HARCOURT.

36122/S

No. 72.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.54 p.m., 15th November, 1912.)

TELEGRAM.

[Answered by No. 75.]

(Paraphrase.)

Your telegram 14th November* regarding Mr. Churchill's speech. My Prime Minister considers that, since the position of the Commonwealth Government is now recognised and understood by the First Lord, no good purpose would be served by explaining his statement at the Lord Mayor's banquet on November 9th. There has been, so far, no question on the subject in the Commonwealth Parliament, and political inconvenience here is not now likely to arise.—DENMAN.

36034/S

No. 73.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 15 November, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 14th of November,† and to request you to inform the Lords Commissioners of the Admiralty that he has communicated with the Governor-General of the Commonwealth of Australia on the subject of the Commonwealth Navy, in the terms suggested in your letter.

I am, &c.,
H. W. JUST.

36122/S

No. 74.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 16 November, 1912.

IN continuation of the letter from this Office of the 15th instant,‡ I am included by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, copy of a telegram§ from the Governor-General of the Commonwealth on the subject of the relation of the Australian Navy to the Admiralty in time of war or emergency.

I am, &c.,
H. W. JUST.

* No. 71.

† No. 68.

‡ No. 73.

§ No. 72.

36123/8

No. 75.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.26 p.m., 16th November, 1912.)

TELEGRAM.

(Paraphrase.)

With reference to your telegram of the 15th November.* The Admiralty and First Lord are greatly obliged to your Ministers for their consideration and assistance.—HARCOURT.

36579

No. 76.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 19 November, 1912.)

[Answered by No. 77.]

(Confidential.)

SIR,

Admiralty, 18th November, 1912.

I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 14th August, No. 24675,† transmitting copy of a despatch from the Governor-General of Australia, Secret, of the 25th June last,‡ which defines the procedure by which, in time of emergency or war, the Commonwealth Government could place the Naval Service of the Commonwealth under the control of the Admiralty.

2. My Lords appreciate the desire of the Commonwealth Government to facilitate the immediate development, on the outbreak of war, of the full naval strength of the Empire and, as stated in Admiralty letter of the 8th instant,§ forwarding copy of a telegram which was sent to the Commander-in-Chief, Australia, on the 7th instant, they concur generally in the procedure suggested for preparing and communicating in advance war orders for the Royal Australian Navy. They would observe that, as worded, some parts of the procedure suggested in the despatch above quoted might be interpreted in a sense not wholly consistent with Clause 16 of the Agreement of 1911, but they understand that the discrepancy is merely verbal, and in no way intentional. My Lords have therefore felt themselves free to propose, for the consideration of the Commonwealth Government, the following revised procedure:—

- (a) War Orders for the employment of His Majesty's Australian ships to be drawn up by the Admiralty, the Naval Representative of the Commonwealth Naval Board being consulted as necessary, and to be then communicated by the Admiralty to the Naval Board.
- (b) The Naval Board to take such steps as may be necessary to communicate such orders to officers commanding His Majesty's Australian ships, and other officers concerned.
- (c) On receipt of a prearranged cablegram from the Secretary of State for the Colonies to the Governor-General, the Commonwealth Government could instruct the Naval Board to place the Naval Service of the Commonwealth under the control of the British Admiralty.
- (d) The Naval Board would forthwith put into execution the "War Orders" referred to at (a), and issue the necessary instructions to His Majesty's Australian ships and the officers concerned.
- (e) From such time until the end of the war or the end of the emergency the Naval Board, whilst keeping the Commonwealth Government informed as necessary, would act in every way as if they were in the position of a Commander-in-Chief on shore appointed by the Admiralty. All orders to, and reports from, His Majesty's Australian ships retained in Australian waters for station duties would pass through the Naval

* No. 72.

† No. 52.

‡ No. 31.

§ No. 62.

Board. Admiralty orders to, and reports to Admiralty from, His Majesty's Australian ships employed under the orders of other Commanders-in-Chief or Senior Officers would pass through those officers, but would be communicated to the Naval Board if of importance or if involving ancillary and administrative services under the control of the Naval Board. Requests and communications (but not orders) would also pass, as necessary, between such Commanders-in-Chief or Senior Officers and the Naval Board, in the manner usual between officers of co-ordinate authority in the Royal Navy.

3. My Lords hope that this revised wording will be acceptable to the Commonwealth Government, and on learning that this is so they will take steps to draw up the War Orders referred to in Clause (a).

4. The suggestion that, pending the arrival of the fleet unit in Australian waters, the Commonwealth Government could, if the occasion arose, place its Naval Service under the control of the Naval Commander-in-Chief appears to meet satisfactorily the requirements of the period of transition.

5. My Lords propose to communicate in the same sense to the Commander-in-Chief on the Australian Station.

6. The legal questions connected with the application to the Commonwealth of the Naval Discipline (Dominion Naval Forces), Act, 1911, which are mentioned in your letter under reply, are not directly relevant to the matters of procedure here discussed, and have therefore been dealt with separately.

I am, &c.,

W. GRAHAM GREENE.

36579

No. 77.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.*

[Answered by No. 79.]

(Confidential.)

SIR,

Downing Street, 22 November, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of November,† on the subject of the procedure for placing under the control of the Admiralty the naval service of the Commonwealth in time of emergency or war.

2. Mr. Harcourt observes that the Lords Commissioners of the Admiralty propose to make certain changes in paragraphs (a) and (b) of the outline of procedure submitted by the Commonwealth Government. In those paragraphs as revised by their Lordships the war orders are to be prepared by the Admiralty and communicated to the Naval Board by the Admiralty, and the Naval Board are to take steps to communicate the orders to the officers of His Majesty's Australian ships and other officers concerned.

3. Mr. Harcourt would, however, point out that these divergencies from the procedure proposed by the Government of the Commonwealth are open to grave objection on constitutional grounds. Unless and until the Commonwealth Government have, in virtue of the power conferred on the Governor-General in Council by the Naval Defence Act, placed the Commonwealth forces at the disposal of the Admiralty, the only proper channel for the communication of war orders to the Naval Board is through the Commonwealth Government and the Secretary of State for the Colonies, and the Naval Board can only communicate the war orders to the officers concerned by authority of the Government of the Commonwealth. It would, in Mr. Harcourt's opinion, be impossible for any Commonwealth Government to defend in Parliament any arrangement by which, prior to the transfer of the control of the Commonwealth forces to the Admiralty, war orders could be communicated direct by the Admiralty to the Naval Board, and by the Naval Board to officers of the Fleet without passing through, and being concurred in by, the Commonwealth Government. Mr. Harcourt would suggest, therefore, the restoration of paragraphs

* This letter as sent to the Commonwealth was modified as shown in No. 83.

† No. 76.

(a) and (b) to their original form, with the addition at the end of (a) of the words "through the Secretary of State for the Colonies."

4. Mr. Harcourt also fears that grave inconvenience may arise unless steps are at once taken to place the legal position of the control of the Australian Navy in time of war or emergency by the Admiralty on a proper basis. In the opinion of the Law Officers of the Crown and of the legal advisers of the Admiralty, and of the Secretary of State, the laws of the Commonwealth have no validity on Australian ships beyond the limits of the territorial waters of the Commonwealth, and any steps taken beyond these limits solely on the strength of these laws must therefore be legally invalid, a position which Mr. Harcourt cannot regard with equanimity. The Imperial Act of 1911 was designed to solve that difficulty and to set the system of discipline in the fleet on a secure basis, and Mr. Harcourt had understood that it was passed with the full consent of the representatives of Australia at the Imperial Conference. He cannot, therefore, see any reason for not at once asking the Government of the Commonwealth to introduce a short Bill to bring the Act into operation in relation to the ships of the Commonwealth, especially as a general election is due in 1913 and it seems very improbable that further delay in legislation will facilitate the passing of the measure.

I am, &c.,

JOHN ANDERSON.

38151

No. 78.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2 December, 1912.)

[Copy to Admiralty, 11 December, 1912. L.F.]

(Confidential (2).)

SIR, Governor-General's Office, Melbourne, 22nd October, 1912.
REFERRING to your Confidential despatch dated the 17th August last,* covering a suggestion that the form of commission issued to naval officers in the Dominion Navies should be, as far as possible, the same as that issued to officers of the Royal Navy, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the proposal.

I have, &c.,
DENMAN.

38312/S

No. 79.

AUSTRALIA.

ADMIRALTY TO COLONIAL OFFICE.

(Received 3 December, 1912.)

(Extract.)

(Confidential.)

SIR, Admiralty, 3rd December, 1912.
I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 22nd ultimo, No. 36579/12,† on the subject of the procedure for placing under the control of the Admiralty the Naval Service of the Commonwealth in time of emergency or war.

2. The Secretary of State raises an objection to the modifications which the Admiralty suggested in paragraphs (a) and (b) of the Commonwealth proposed proce-

* No. 54.

† No. 77.

sure, on the constitutional ground that, until the Commonwealth Government have placed their forces at the disposal of the Admiralty, the proper channel for the communication of war orders would be not through the Navy Board but the Commonwealth Government.

3. It appears to my Lords that the Secretary of State has misunderstood the intention of the modifications in question. They are fully aware that the Commonwealth Government has reserved the right to determine whether and when to place their forces at the disposal of the Admiralty, and they have always accepted and acted upon that condition. The procedure indicated in paragraphs (a) and (b) is simply the preliminary process of communicating to the Navy Board certain contingent naval arrangements to which it would be desirable that the Australian ships should conform in an emergency, precisely in the same manner as the Admiralty issue in advance to Commanders-in-Chief certain orders on which they are to act in the same emergency. This is a first step, the Navy Board not being themselves in a position to frame orders which depend upon other naval arrangements. It in no way touches the constitutional powers of the Commonwealth Government, which are referred to in paragraph (c) and which can be asserted at any time, but until the Government decide to place their forces at the disposal of the Admiralty the arrangements proposed remain dormant.

4. The orders would probably be worded somewhat as follows:—

"In the event of war with (or and combined), and provided that the Government of the Commonwealth shall have placed the Naval Service of the Commonwealth under the control of the British Admiralty (Here would follow the disposition of ships, &c.)"

In order to make the intention perfectly clear, my Lords would have no objection to the following words being added at the end of paragraph (a) of the outline of procedure:—

"becoming operative if and when instructions have been given by the Commonwealth Government as specified in paragraph (c) below."

5. With this explanation my Lords hope that the Secretary of State will not think it necessary to advise a more circuitous method of communicating these contingent fleet arrangements to the Navy Board, as any point raised thereon would also apparently have to follow the same procedure and the possibility of delays and misunderstandings, and above all of the leakage of information of the most secret character, would be increased.

I am, &c.,
O. MURRAY.

17969

No. 80.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 4th December, 1912.)

TELEGRAM.

[Answered by No. 81.]

My despatch, No. 265, 22nd June.* Lords Commissioners of the Admiralty will be glad to learn as early as possible whether necessary steps have been taken to bring Naval Discipline Act, 1911, into operation with regard to ships of Commonwealth of Australia. Please telegraph reply.—HARCOURT.

* No. 48.

38498

No. 81.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.16 a.m., 5th December, 1912.)

TELEGRAM.

Your telegram of 4th December.* A Bill will be presented to Parliament applying Imperial Act to ships of Commonwealth of Australia.

My despatch of 4th November, No. 244.† Government of Commonwealth of Australia concurs in draft instructions. See your despatch of 22nd June, No. 265.‡
—DENMAN.

38498

No. 82.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 6 December, 1912.

WITH reference to the letter from this Department of the 29th June,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copies of telegraphic correspondence|| with the Governor-General of the Commonwealth of Australia regarding the application of the Naval Discipline Act, 1911, to ships of the Royal Australian Navy.

2. The despatch, No. 244, of the 4th November,† referred to by Lord Denman has not yet been received.

I am, &c.,
H. W. JUST.

38812/S

No. 83.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, December 6, 1912. L.F.]

(Secret.)

MY LORD, Downing Street, 6 December, 1912.

WITH reference to my despatch, Secret No. 2, of the 16th of August,¶ I have the honour to transmit to Your Excellency to be laid before your Ministers, the accompanying copy of correspondence** with the Admiralty, on the subject of the procedure for placing under the control of the Admiralty the naval service of the Commonwealth in time of emergency or war.

2. I shall be glad to receive any observations which your Ministers may have to offer on the subject.

I have, &c.,
L. HARCOURT.

(36579.)

Enclosure 2 in No. 83.

COLONIAL OFFICE to ADMIRALTY.

[See footnote to No. 77.]

(Confidential.)

SIR, Downing Street, 22nd November, 1912.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of November, on the subject of the procedure for placing under

* No. 80. † No. 84. ‡ No. 48. § No. 49. || Nos. 80 and 81.
¶ No. 53. ** Nos. 76 and 79, and the enclosure to this letter.

the control of the Admiralty the naval service of the Commonwealth in time of emergency or war.

2. Mr. Harcourt observes that the Lords Commissioners of the Admiralty propose to make certain changes in paragraphs (a) and (b) of the outline of procedure submitted by the Commonwealth Government. In those paragraphs, as revised by their Lordships, the war orders are to be prepared by the Admiralty and communicated to the Naval Board by the Admiralty, and the Naval Board are to take steps to communicate the orders to the officers of His Majesty's Australian ships and other officers concerned.

3. Mr. Harcourt would, however, point out that these divergencies from the procedure proposed by the Government of the Commonwealth are open to grave objections on constitutional grounds. Unless and until the Commonwealth Government have, in virtue of the power conferred on the Governor-General in Council by the Naval Defence Act, placed the Commonwealth forces at the disposal of the Admiralty, the only proper channel for the communication of war orders to the Naval Board is through the Commonwealth Government and the Secretary of State for the Colonies, and the Naval Board can only communicate the war orders to the officers concerned by authority of the Government of the Commonwealth. Mr. Harcourt would suggest, therefore, the restoration of paragraphs (a) and (b) to their original form, with the addition at the end of (a) of the words "through the Secretary of State for the Colonies."

I am, &c.,
JOHN ANDERSON.

39723

No. 84.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16 December, 1912.)

[Copy to Admiralty, 27 December, 1912. L.F.]

(No. 244.)

Governor-General's Office, Melbourne,

4th November, 1912.

SIR,

REFERRING to your despatch, No. 11, of 6th January last, and No. 265, of 22nd June,* on the subject of Naval Discipline (Dominion Naval Forces) Act, 1911, of the Imperial Parliament, I have the honour to inform you that I am advised by my Prime Minister that a Bill will be introduced into the Parliament of the Commonwealth to apply the Imperial Act to the naval forces and ships raised and provided by the Commonwealth of Australia.

The Commonwealth Government concurs in the draft instructions enclosed with your despatch of 22nd June last.†

I have, &c.,
DENMAN,
Governor-General.

39723

No. 85.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 891.)

Downing Street, 27 December, 1912.

SIR,

WITH reference to my despatch, No. 426, of the 22nd June,‡ I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a despatch§ from the Governor-General of the Commonwealth of Australia stating that a Bill will be introduced into the Commonwealth Parliament to apply the Imperial Naval Discipline (Dominion Naval Forces) Act, 1911, to the naval forces and ships of the Commonwealth, and that the Commonwealth Government concur in the draft instructions a copy of which was enclosed in my despatch above referred to.

I have, &c.,
L. HARCOURT.

* Nos. 40 and 48.

† No. 48.

‡ No. 84.

II.—Defence Policy and Representation of the Dominions on the Committee of Imperial Defence.

[See also [Cd. 6513] (*Naval Defence Requirements—Memorandum for Government of Canada*), and [Cd. 6560] (*Representation of the self-governing Dominions on the Committee of Imperial Defence*).]

21012

No. 86.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 574.)	(Union of South Africa. No. 324.)
(Australia. No. 292.)	(Newfoundland. No. 156.)
(New Zealand. No. 230.)	

[MY LORD] [SIR,]

Downing Street, 14 July, 1911.

I HAVE the honour to transmit to [Your Excellency] [you] the accompanying copy of the report* of the Committee of the Imperial Conference which was convened to discuss military defence at the War Office on the 14th and 17th of June.

2. This report was laid before the Imperial Conference, who approved it, and it will be published in due course as a Supplementary Volume of the Proceedings of the Conference.

3. It is proposed that publication should take place as soon as possible after the arrival of the report in Australia and New Zealand, and I shall telegraph† to you the date on which publication will take place.

I have, &c.,
L. HARCOURT.

23719

No. 87.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)	} (Confidential.)
(Australia.)	
(New Zealand.)	
(Union of South Africa.)	
(Newfoundland.)	

[MY LORD] [SIR,]

Downing Street, 26 July, 1911.

I HAVE the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a memorandum, No. 444, M.L.‡ on the subject of the title and constitution of the Overseas Defence Committee.

I have, &c.,
L. HARCOURT.

35713

No. 88.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4 November, 1911.)

[Copy to Admiralty, 18 November, 1911. L.F.]

(Secret.)

SIR,

Government House, Ottawa, 24 October, 1911.

I HAVE the honour to forward, herewith, a copy of a leading article from the "Montreal Daily Star," of the 20th instant, containing an interesting proposal to abolish the existing Canadian Navy and to make instead a substantial direct cash contribution to the British Navy.

* No. 2 in [Cd. 5746—2].

† See Nos. 12, 13, and 19.

‡ Not reprinted.

This article, which may be considered as a "ballon d'essai," was written by Sir Hugh Graham, the proprietor of the paper, and I know that he had previously had a consultation on the subject with Mr. Borden and other Ministers.

The article being most concise in itself, I shall not attempt to summarize it here.

It will be interesting to see the view taken of the proposition—if ever it materialises before the Cabinet—by Mr. Monk, who has been, in these doubtful days of integration, the element in the Cabinet which has lent itself to the greatest speculation.

Mr. Monk has, in his election and pre-election utterances, strongly resisted any suggestion for the formation of a Canadian Navy which should in war time be subservient to British control.

Perhaps the suggestions contained in the article I now forward present the solution of a question which, *prima facie*, threatened to separate Mr. Monk from his colleagues.

I have, &c.,
ARTHUR.

Enclosure in No. 88.

"MONTREAL DAILY STAR," 20 October, 1911.

WHAT TO DO ABOUT THE NAVY.

Now that Reciprocity is dead and damned—unless we assume that the Liberal party is so un-Liberal as to violate the first principle of democratic government—obedience to the plain will of the people—the problem of next importance before the nation is that of its share in the defence of the Empire by whose strength it lives.

No one imagines for a moment that Canada, divorced from the British Empire, would be safe. Nor would its safety be any surer if the British Empire were to be suddenly bereft of its commanding power to protect its outlying sections. That power, in turn, rests absolutely and finally upon the supremacy of the British navy.

Therefore, it follows with the force of a syllogism that, if the British navy loses command of the sea, the integrity of Canada is at once put in peril.

The words "Imperial defence" so often employed in this connection may easily fail to carry the truth to those who have given the matter only superficial attention. For the patriotic Canadian, there is a more intimate matter at stake than "Imperial defence." That more intimate matter is the defence of Canada through the years of her weakness while she is gathering power to defend herself.

Both of our political parties, indeed, admit that we should do something toward our naval defence. It is not necessary, then, to argue the point. When the German "war scare" clouded the horizon, it became simply a question at Ottawa, with men whose opinions were worth counting, in what fashion we should assist in keeping the command of the sea for the British flag.

The then Government, misled possibly by the fetish of autonomy, decided for a Canadian navy. They never made a greater mistake. The construction of a Canadian navy is a theoretical error, a political blunder, and a financial folly.

The error in theory is obvious. Canada has no need for a navy. The British Empire, on the other hand, has supreme need for one. It requires a most ingenious mind to think of circumstances under which even an efficient local navy would be of any use to us if the British navy were still riding the seas; and it takes a mind of unmeasured daring to imagine us possessed of a navy which would be of use after the British navy had been smashed.

But the British Empire lives by its navy. Without command of the sea it would go to pieces in a week. And one of the fragments to be flung off in fatal weakness and isolation would be the Dominion of Canada. We would lie a ready prey to the first Power which found us; and those who weakly imagine that the Monroe Doctrine might offer us a humiliating protection, should regard the words of deep insight which fell from Lord Grey, just before he sailed, to the effect that the Monroe Doctrine—so far as we are concerned—is very intimately associated with the continued predominance of the British fleet.

If there be anyone in Canada who believes that the Americans would protect us from all possible foes and not demand a price for their protection it is doubtful whether he had the international sagacity to vote against Reciprocity a couple of weeks ago.

As to the financial folly of the policy of a Canadian navy as proposed by the late Government, that hardly needs demonstration. It was launched with an estimate that it would cost three millions a year; but they were soon talking four millions. We are too entirely at the threshold of the adventure, however, to know what it would cost. The purchase and maintenance of only two training ships, culled from the "scrap heap" of the British navy, and, on the word of the Admiral, not intended to do any fighting, have already run to considerable money.

Mr. L. T. Marechal, K.C., incorporated in a speech during the late campaign an estimate of the probable cost of our proposed "navy" which reached appalling totals. Starting with the statement that the cost of the ships and their maintenance for four years, would reach \$21,978,000; and adding to this the annual cost of maintenance and interest and the probable cost of new ships as the old vessels were "scrapped," he told us that at the end of the sixth year our navy would have cost us nearly thirty-four millions, while, by the end of the tenth year, the outlay would have reached seventy-three millions.

But, taking the cost at four millions a year, what do we get for it? At present, we have got nothing. And even when we do get our cruisers we will have a navy that can fight nobody. No one imagines for a moment that it could stand up against the American navy; and who imagines that it would ever be allowed to fight any other navy, with the American navy looking on. But, if patronising Uncle Sam were to allow the "little fellow" to "square up" to some other Power, whom could we face?—Not Japan—our next-door neighbour on the west. Not one of the much despised South American Republics which boasts battleships at all.

Ah, but—say the apologists of the "Canadian navy" idea—it is not expected to fight alone. It is expected to fight in company with the British navy. And when you reply that the British Admiralty is not worrying about cruisers just now, being engaged in building Dreadnoughts, they tell you—as if it were something to be proud of—that the Canadian cruisers will be used to guard the trade routes.

Well, what do you think of it? Great Canada comes swinging in to help Great Britain fight the world; and she is to be allowed to watch the pantry! What would you have thought of it if, when we were asked to send our contingents to South Africa, it had been announced that they were not to be trusted in the fighting line with the real soldiers, but were to be scattered along the railways to keep the trains running? We should then have had no Hart's River, of which to be proud—no surrender of Cronje at Paardeberg to prove the prowess of our boys! But we would have had the glorious satisfaction of knowing that our men got the canned beef and biscuit boxes through quite safely.

We are to keep carefully out of the way of the fighting and attend dutifully to the commissariat; and all this "glory" is to cost us four millions a year!

When it looked as if this policy were established, it was enough to make one weep with chagrin. But now it is gone; and we have a clean slate. And what are we going to write on it?

Certainly, first and foremost, that we will do more, and not less, for British naval defence. When we wash our hands of the old policy, and send our "Niobes" and "Rainbows" back to the "scrap heap"—or present them to Germany as a malevolent masterpiece of strategy—we must make it as clear as noonday that we do this because the old plan is foolish and insufficient, and not because we have the remotest intention of shirking our duty.

We intend to help support British sea power. Our people will not listen for a moment to a policy of paltering or hesitation or cowardice on this point. We will stand by the navy as the navy stands behind us. The only thing we are prepared to debate is the matter of methods.

Now, first, if the still-born Canadian navy was to have fought only with the British fleet, it is surely no more than sensible that we should now make our contribution directly to the British fleet, so that the fighting it does can be the most effective possible.

Secondly, the British Admiralty has for some time pursued the policy of concentration. It has brought its ships home from the Seven Seas and assembled them under the cliffs of Britain. It believes that modern conditions make this centralised control the better policy. This being so, how can we act more wisely than take our "cue" from the old seadogs of the British Admiralty? They know more about sea fighting in a minute than our Marine Department does about "graft"—which is saying a good deal. Therefore, once more, let us make a direct contribution to the British navy.

But—someone will object—will Canada never need a navy; and should she not make a beginning? She may; and we have a plan which will enable her to make a good beginning while contributing directly to the Imperial fleet.

In brief, this plan runs: Let our Government offer to the British Government one, two or three Dreadnoughts or "naval units" or whatever the Admiralty may desire, these ships to be built in British yards, under the eye of the Admiralty, and to bear the names of the Canadian Provinces. Any Canadians desiring to serve on these ships should be given a preferred opportunity, and should be trained by British naval experts. The ships should form an integral part of the British navy; but Great Britain should, on her side, undertake the protection of Canada and Canadian commerce, and agree to maintain such a naval standard in relation to the other Powers as the non-political Lords of the Admiralty may from time to time regard as wise.

The money for these ships should be raised on Canadian "Consols," to be sold by the British Government, the interest to be paid by Canadian Government. In this way, we could build three Dreadnoughts for \$30,000,000 at an annual charge to us of \$750,000. This would be \$3,250,000 per year less than our present worthless "navy" is to cost us. The more than three millions saved, could be spent—let us suggest—on a Federal campaign against tuberculosis. These "Consols" would be no burden to speak of to our people, would bring ready money to the Admiralty, and would bring them what they would value more highly—the "kudos" of real Canadian naval support.

Then, as to the beginning of our own navy, it could be understood that Canada should have the right to recall these ships for her own use at any time, on reasonable notice. We would have paid for them already; and the notice would be only necessary to enable Great Britain to replace them. There we would have a ready-made navy waiting for us to take it over whenever we wanted it, with our own boys trained to manage it, and all up to the superior standard of the British fighting line.

This is the policy, then, that we commend to the Canadian Government. It does six things of first-rate importance.

It rids Canada of a navy she does not need.

It saves us over three millions a year now, and all the extra millions per annum it will cost us if we have a Canadian navy.

It keeps our enlistment in the ships entirely voluntary.

It carries effective help to Great Britain.

It fits in with the well-considered Admiralty policy of naval concentration.

It makes the sea power of both Canada and the Empire permanent and paramount.

37376

No. 89.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20 November, 1911.)

(Secret.)

SIR, Government House, Ottawa, 7 November, 1911.
In continuation of my secret despatch of the 24th October,* I have the honour to transmit, herewith, a copy of a further article from the "Montreal Daily Star," on the subject of the existing Canadian Navy and the possibility of substituting a substantial direct contribution to the British Navy.

I have, &c.,
ARTHUR.

Enclosure in No. 89.

"MONTREAL DAILY STAR," 3 November, 1911.

WILL WE DO MORE THAN TALK?

For years, Canada has played a part in world politics. There is no way in which a nation of her importance and promise could have escaped this fate. Sometimes our public men talk as if this far-reaching choice lay still before us—the choice whether or not we would enter this vast international council and take our share in the government of the globe.

We have never had a choice. Fate forced us into the arena; and the only option before us was whether we should play the part of a man or of a coward.

Our American neighbours were for a long time under the delusion that they could be in the world but not of it. They impatiently repudiated any thought of "entangling alliances" with other powers. They fought a great civil war, and then let their improvised armies melt back into the body of the people. They abstained from building a navy. They argued that, having neither an army nor a navy, they would be under no temptation to use them, and so would keep out of "the barbaric struggle for power" which bemused the minds of Europeans.

And all the while history was laughing in her sleeve. All the while they were playing a part—and no small part—in the international game. The very potential strength of such a people made them a power to be reckoned with; and the Governments of Europe kept just as carefully off the Monroe Doctrine "preserves" in this hemisphere as if they were watched by a fleet and guarded by a ring of fortresses.

Then came the awakening. They found that they could not be indifferent to what went on in Samoa and Hawaii—nor yet in Cuba. Their commerce was on the Seven Seas, and they needed a navy. The Spanish War completed their education; and to-day a European Minister cannot make a social call in Peking without the American people wondering if a conspiracy is not being hatched against their interests.

What the Americans have well learned, the pettiest Little Canadian will come to see in time. Seven millions of progressive, wide-awake, and constructive people cannot sit down on a rich half-Continent, and imagine themselves out of the currents of international life.

As a matter of fact, Canada has already struck some blows. For instance, when Britain went to war with the Kruger regime in South Africa no one knew just what would be the attitude of Europe. The Kaiser's telegram to President Kruger was then recent history; and there existed a very nasty and dangerous feeling towards the Mother Country all over the

* No. 88.

Continent. The Entente Cordiale had not yet been born; and France was still smarting over the affair at Fashoda.

The Colonies stepped in, and made it clear that it was the entire British Empire which had gone to war. Canada sent her contingents to South Africa and thereby served notice on the capitals of Europe that she had shouldered her share of the responsibility. What effect Colonial co-operation had it is impossible to tell; but the fact is that Europe did not stir a finger.

So we are in. The only question is: How shall we behave? The first place in which our attitude will be tested is the field of British foreign politics, that is, the foreign politics of the Empire.

Will Canada be reckoned with the Little Englander; or will she take her place with the men of broad vision and high ideals?

When a question comes up in the Parliament which still guides the foreign policy of the Empire as to whether a firm stand should be taken against aggression, whether despotism should be compelled to release some feeble people, whether some outpost of Empire essential to the safety of the whole should be defended or surrendered, *do we want Canada quoted as with the party of "scuttle" or with the party of courage?* Shall we like to hear it said: "Throw up the sponge! The Canadians won't fight!" Or would we prefer to have these words addressed to the Little Englanders: "Get under the barn if you want to. Canada and the Colonies are with us."

We must make our choice. We cannot have it both ways. But our choice will be of precious little value, no matter how we make it, unless we are prepared to back it with deeds. Rev. Dr. Milligan, a prominent Presbyterian minister of Toronto, is just home from his annual visit to Scotland. A reporter talked with him in Toronto; and the thing which appeared to be most on his mind was the attitude of the Scottish people towards Canada. He said that, while not desiring to lay the smallest burden upon us or to influence our decision in any way, *they did seem to feel that we did a lot of talking out here, but not much else.*

That must have been a sore message for Dr. Milligan to bring to his beloved Canada. And, by that same token, *we are a trifle tired of hearing that nobody wants to lay any burden on us.* Why shouldn't we bear our share of any burdens that must be borne? Are our people poorer than the crofters of Scotland that they should be taxed and we go free? Are the mechanics of Glasgow so much better off than the people of Canada that we are entitled to jingle our money in our pockets while they pay for our defence? Do Canadians emigrate to the British Isles to "better themselves," or does the stream of migration flow the other way? *Do we want a collection taken up for our benefit in Whitechapel?*

What is the meaning of this endless talk about our being spared the burden of our own defence? Cannot we at least do our own fighting?

The humiliating truth is that we cannot.

Not even if we go on with the cruiser programme of the late Government will we be able to defend our shores against attack. No navy of cruisers can defend Canada against any foe at all likely to attack her. If we built our own fleet—as is proposed—and then had to depend on it for defence, we would be far more helpless than Turkey is to-day. Turkey has some battleships and a magnificent army.

Whether we like it or whether we do not, we are bound to accept "out-door relief" from the people of the British Islands. They will pay for the ships that protect our ports, guard our commerce, and defend our liberties. They backed us—in effect—the other day when we dared to reject the overtures of a nation of ninety millions, and nailed our colours to the mast. Our chance of surviving at all as an independent and free nation is entirely due to the support of the men of the United Kingdom.

Now that being so, should we continue to "do nothing" at an enormous cost; or should we spend our money in such a fashion as to bring the greatest amount of relief to the tax-payers of Britain and the most effective assistance to the British Admiralty.

In order to do our duty, it is not at all necessary to cripple our ability to build up Canada. That is the last thing that Britain would ask; and the first thing she would warn us against. She does not want us to stop building railways or developing the country. She does not even need a large gift of money.

But she does need our whole-hearted and intelligent co-operation—she does need the power to tell Europe that growing Canada is with her—she does need immediate relief from the pressure of naval taxation upon her people.

All this she would get without our being hampered to the smallest extent if we sent her "Canadian Consols" enough to pay for three Dreadnoughts and kept up the interest on the investment ourselves. She would borrow the money at home—her tax-payers would carry neither the cost nor the debt—she would build the battleships in her own yards—and they would go into the first line of battle carrying the names of Canada's provinces and as many of Canada's sons as desired to serve.

Then we should have something to cheer for when the victory was won. We should have a new Paardeberg on the sea—and not be compelled to try to look proud and happy during the war at the thought that our "brave boys" were keeping right near the commissariat carts.

Moreover, if Canada offers her Dreadnoughts on condition that Britain's navy shall be kept up to the "two-Power standard," or whatever changing conditions may fairly substitute for that standard, Canada will have exerted an influence in the councils of Great Britain which she could not exert if she had fifty representatives in the British House of Commons.

30784

No. 90.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11.7 a.m., 30th September, 1912.)

TELEGRAM.

[Answered by 13887/13: not printed.]

(Paraphrase.)

I am desired by my Government to ask whether the Imperial Government can afford any information as to the future naval policy in the Pacific Seas, especially with regard to the question of naval bases and the proposed Commonwealth Navy.—
ISLINGTON.

30784

No. 91.

NEW ZEALAND.

COLONIAL OFFICE TO ADMIRALTY.

SIR,

Downing Street, 2 October, 1912.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a telegram* from the Governor of New Zealand, stating that his Ministers desire information as to the future British naval policy in the Pacific.

2. Mr. Harcourt would be glad to learn what reply should, in the opinion of their Lordships, be returned to this telegram.

I am, &c.,
H. W. JUST.

34323

No. 92.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL OF CANADA, AUSTRALIA, AND THE UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Sent 6 p.m., 29th October, 1912.)

TELEGRAM.

[Answered by No. 93.]

I desire to communicate to you, for the information of your Ministers, following extract from a speech which I delivered in my constituency on the 25th instant:—

"There is on the part of Canadian Ministers and people a natural and laudable desire for a greater measure of consultation and co-operation with us in the future than they have had in the past. This is not intended to, and it need not, open up those difficult problems of Imperial Federation which, seeming to entail questions of taxation and representation, have made that policy for many years a dead issue. But, speaking for myself, I see no obstacle, and certainly no objection, to the Governments of all the Dominions being given at once a larger share in the executive direction of matters of defence and in personal consultation and co-operation with individual British Ministers whose duty it is to frame policy here. I should welcome a more continuous representation of Dominions Ministers, if they wish it, upon the Committee of Imperial Defence; we should all be glad if a member or members of those Cabinets could be annually in London. The door of fellowship and friendship is always open to them, and we require no formalities of an Imperial Conference for the continuity of Imperial confidence."

—HARCOURT.

* No. 90.

35013

No. 93.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10 a.m., 5th November, 1912.)

TELEGRAM.

Your telegram of 29th October.* Am desired by Prime Minister inform you that Government of New Zealand have read extract from your speech with very great interest and pleasure, and that views expressed will receive very careful consideration of Ministers, when further reply will be sent.—ISLINGTON.

39846

No. 94.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16 December, 1912.)

[Acknowledged 7 January, 1913. No. 24.]

(No. 660.)

SIR, Government House, Ottawa, 6th December, 1912.
I HAVE the honour to inform you that the Prime Minister introduced the Naval Bill in the House of Commons here yesterday afternoon.

I enclose the Hansard report† of the proceedings, also copies of leading articles‡ from a large selection of Canadian newspapers, from which you will see that the policy of my Ministers meets with very general approval.

The scene in the House was very impressive, Mr. Borden receiving a tremendous ovation. At the conclusion of the proceedings the members on both sides of the House rose and sang the National Anthem.

There was no discussion on the Bill, but the Leader of the Opposition spoke briefly, saying that, while the Opposition differed from the Prime Minister in other matters, they shared his devotion and loyalty to the Empire. Sir Wilfrid Laurier added that he would defer any additional remarks until the second reading of the Bill.

I have, &c.,
ARTHUR.

40176

No. 95.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.45 a.m., 19th December, 1912.)

TELEGRAM.

[Answered, 8 January, 1913, by 40176 in Dominions No. 47.]

Your telegram 10th December.‡ It is impracticable for any Commonwealth Ministers to visit England during the ensuing year, but, in view of great importance of the Dominions adopting a common policy and having a complete understanding on question of co-operation for naval defence, it is suggested that a subsidiary conference should be convened in Australia, in either January or February, 1913. If this not practicable, Ministers would be prepared to attend a conference in New Zealand, South Africa, or Vancouver, Canada.—DENMAN.

* No. 92.

† Not reprinted.

‡ No. 2 in [Cd. 6560], January, 1913.

27401

No. 96.*

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS.

N.B.—It has been assumed that the population has increased in each case at a uniform rate.

UNITED KINGDOM.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-3	42,315,704	70,236,465	1 13 2½	31,003,977	0 14 7½	2 7 10
1903-4	42,654,581	39,579,196	0 18 6½	35,709,477	0 16 8½	1 15 3½
1904-5	42,993,458	31,527,338	0 14 8½	36,859,681	0 17 1½	1 11 10½
1905-6	43,332,335	29,092,093	0 13 5	33,151,841	0 15 3½	1 8 8½
1906-7	43,671,212	28,360,936	0 12 11½	31,472,087	0 14 4½	1 7 4½
1907-8	44,010,089	26,711,813	0 12 14	31,251,156	0 14 2½	1 6 3½
1908-9	44,348,966	26,325,486	0 11 10½	32,181,309	0 14 6	1 6 4½
1909-10	44,687,843	26,553,188	0 11 10½	35,734,015	0 15 11½	1 7 10½
1910-11	45,026,721	26,892,107	0 11 11½	40,419,336	0 17 7	1 9 6½
1911-12	45,365,599	27,441,482*	0 12 1	44,392,500	0 19 6½	1 11 7½
1912-13	—	—	—	—	—	—

* Estimated expenditure.

INDIA.

Financial Year.	Population.*	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£		
1902-3	295,000,000	17,779,770	0 1 2½	354,843		
1903-4	296,500,000	18,292,405	0 1 2½	348,418		
1904-5	298,500,000	20,779,195	0 1 4½	416,938		
1905-6	301,000,000	19,769,339	0 1 3½	407,300		
1906-7	303,700,000	20,155,150	0 1 3½	514,193		
1907-8	306,200,000	19,352,016	0 1 3	396,338		
1908-9	309,000,000	19,751,479	0 1 1½	351,500		
1909-10	312,000,000	19,234,626	0 1 2½	377,697		
1910-11	315,000,000	19,410,152	0 1 2½	354,080		
1911-12	318,000,000	19,637,700	0 1 2½	484,500		
1912-13	—	—	—	—		

* Including population of Federated States.

CANADA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1903-3	5,553,417	424,982	0 1 6½	24,000*	0 0 1	0 1 7½
1903-4	5,735,519	641,768	0 2 3	26,000*	0 0 1	0 2 4
1904-5	5,917,621	771,100	0 2 7	26,000*	0 0 1	0 2 8
1905-6	6,099,723	1,105,983	0 3 7½	44,000*	0 0 1½	0 3 9
1906-7	6,281,825	858,032	0 2 8½	44,000*	0 0 1½	0 2 10½
1907-8	6,463,927	1,396,476	0 4 4	90,000*	0 0 3½	0 4 7½
1908-9	6,646,029	1,374,322	0 4 0½	90,000*	0 0 3½	0 4 4
1909-10	6,828,132	1,230,115	0 3 7½	107,100*	0 0 3½	0 3 11
1910-11	7,010,235	1,448,318	0 4 1½	656,300*	0 1 10½	0 6 0
1911-12	7,192,338	1,546,220*	0 4 3½	656,300*	0 1 10	0 6 1½
1912-13	—	—	—	396,000*	—	—

* Estimated expenditure.

* This statement was sent in a revised form to the self-governing Dominions on May 26, 1913. See 7985 in Dominions No. 47.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS—continued.

AUSTRALIA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03	3,841,921	615,946	0 3 2½	119,621	0 0 9½	0 3 11½
1903-04	3,910,041	615,758	0 3 1½	239,899	0 1 2½	0 4 4½
1904-05	3,978,161	728,633	0 3 7½	205,966	0 1 0½	0 4 8
1905-06	4,046,281	718,252	0 3 6½	252,091	0 1 3	0 4 9½
1906-07	4,114,401	780,021	0 3 9½	255,774	0 1 2½	0 5 0½
1907-08	4,182,521	823,585	0 3 11½	511,159	0 2 5½	0 6 4½
1908-09	4,250,642	781,389	0 3 8	268,602	0 1 3	0 4 11
1909-10	4,318,763	1,204,446	0 5 6½	330,435	0 1 6½	0 7 1½
1910-11	4,374,138	1,539,400	0 7 0½	1,466,617	0 6 8½	0 13 9
1911-12	4,455,005	2,699,678*	0 11 11	2,075,458*	0 9 3½	1 1 2½

* Estimated expenditure.

NEW ZEALAND.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03	795,890	266,627*	0 6 8½	21,452	0 0 6½	0 7 2½
1903-04	819,062	221,995	0 5 5	21,523	0 0 6½	0 5 11½
1904-05	842,234	235,399	0 5 7	40,742	0 0 11½	0 6 6½
1905-06	865,406	140,593†	0 3 3	42,280†	0 0 11½	0 4 2½
1906-07	888,578	151,461†	0 3 4½	40,000†	0 0 10½	0 4 3
1907-08	912,556	193,552‡	0 4 2½	40,000§	0 0 10½	0 5 1
1908-09	936,534	170,876||	0 3 7½	20,000||	0 0 5	0 4 0½
1909-10	960,512	—	No returns received.	—	—	—
1910-11	1,042,997	292,659*	0 5 7½	100,000*	0 1 11	0 7 6½
1911-12	1,008,468	464,400**	0 9 2½	100,600**	0 1 11½	0 11 2½

* Estimated expenditure.

† Year 1906.

‡ Year 1907.

§ Year 1908.

|| Year 1909.

* Actual for Year 1911.

** Estimated expenditure for year 1912.

†† These figures do not include the cost of the battle cruiser presented by New Zealand under the New Zealand Naval Defence Act, 1909.

SOUTH AFRICA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1910-11	Europeans, 1,278,025. Europeans and Natives, 5,958,199.	230,617	0 3 7½	86,555	0 1 4½	0 4 11½
1911-12	Europeans, 1,301,056. Europeans and Natives, 6,070,309.	320,604*	0 4 11	85,000	0 1 3½	0 6 2½

* Estimated expenditure.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS—continued.
NEWFOUNDLAND.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03	223,117	Nil	Nil	331	—	—
1903-04	225,171	Nil	Nil	296	—	—
1904-05	227,225	Nil	Nil	322	—	—
1905-06	229,279	Nil	Nil	197	—	—
1906-07	231,333	Nil	Nil	2,872*	0 0 2½	0 0 2½
1907-08	233,387	Nil	Nil	2,942†	0 0 3	0 0 3
1908-09	235,441	—	No returns received.	Do.	—	—
1909-10	237,495	—	—	Do.	—	—
1910-11	241,607	—	—	Do.	—	—
1911-12	243,661	Nil	Nil	3,213	0 0 3	0 0 3

* Year 1906.

† Year 1907.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE CROWN COLONIES AND PROTECTORATES.

Financial Year.		Population according to latest returns.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Naval and Military expenditure.	Naval and Military expenditure per head of population.	Remarks.
			£	£ s. d.			£	£ s. d.	
—	CROWN COLONIES, &c.								
—	Gibraltar	19,586	Nil	Nil	Nil	Nil	Nil	Nil	
1912	Malta	211,564	5,000	0 0 5½	Nil	Nil	5,000	0 0 5½	Contribution to cost of Imperial Garrison.
1911-12	Cyprus	274,108	Nil	Nil	Nil	Nil	Nil	Nil	Includes £134,664 military contribution of Colony.
1911	Ceylon	4,105,535	163,375	0 0 9½	Nil	Nil	163,375	0 0 9½	Includes £181,055 military contribution of Colony.
1912	Straits Settlements.	710,355	187,749	0 5 3½	Nil	Nil	187,749	0 5 3½	Includes £121,689 military contribution of Colony.
1911	Federated Malay States.	1,036,999	59,483	0 1 1½	Nil	Nil	59,483	0 1 1½	Malay States Guides and Volunteers.
—	Labuan	6,546	Nil	Nil	Nil	Nil	Nil	Nil	
—	North Borneo	208,183	Nil	Nil	Nil	Nil	Nil	Nil	
1911	Hong Kong	450,098	126,203	0 5 8½	Nil	Nil	126,203	0 5 8½	Includes £121,689 military contribution of Colony.
—	Weihaiwei	147,177	Nil	Nil	Nil	Nil	Nil	Nil	
—	Papua	281,568	Nil	Nil	Nil	Nil	Nil	Nil	
1912	Fiji	129,541	3,073	0 0 5½	Nil	Nil	3,073	0 0 5½	Rifle Association.
1911	Bermuda	18,994	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	British Honduras.	40,458	1,464	0 0 8½	Nil	Nil	1,464	0 0 8½	
—	Bahamas	55,944	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	Jamaica	831,383	3,123	0 0 1	Nil	Nil	3,123	0 0 1	
1911-12	Leeward Islands	127,189	1,635	0 0 3	Nil	Nil	1,635	0 0 3	
1911-12	Windward Islands.								
1911-12	St. Lucia								
1911-12	St. Vincent								
1910-11	Grenada	157,264	1,521	0 0 2½	Nil	Nil	1,521	0 0 2½	

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE CROWN COLONIES AND PROTECTORATES—continued.

Financial Year.		Population according to latest returns.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Naval and Military expenditure.	Naval and Military expenditure per head of population.	Remarks.
1911	Barbados ...	171,283	1,918	0 0 2½	Nil	Nil	1,918	0 0 2½	
1911-12	Trinidad and Tobago.	330,088	4,068	0 0 3	Nil	Nil	4,068	0 0 3	
1911-12	British Guiana	296,041	4,513	0 0 3½	Nil	Nil	4,513	0 0 3½	
1912	Falkland Islands	3,275	276	0 1 8½	Nil	Nil	276	0 1 8½	
1911	Gambia ...	146,101	10,028	0 1 4½	Nil	Nil	10,028	0 1 4½	Including Protectorate.
1911	Sierra Leone ...	1,403,132	24,050	0 0 4	Nil	Nil	24,050	0 0 4	Ditto.
1912	Gold Coast ...	1,503,386	89,682	0 1 2½	Nil	Nil	89,682	0 1 2½	Including Dependencies.
1911	Southern Nigeria.	7,858,689	105,754	0 0 3	Nil	Nil	105,754	0 0 3	
1911-12	Northern Nigeria.	9,269,000	163,550	0 0 4	Nil	Nil	163,550	0 0 4	
—	St Helena ...	3,520	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	Rhodesia ...	1,593,676	36,425	0 0 5½	Nil	Nil	36,425	0 0 5½	
—	Basutoland ...	404,507	Nil	Nil	Nil	Nil	Nil	Nil	
—	Bechnanaland	123,350	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	Nyasaland ...	970,130	26,884	0 0 6½	Nil	Nil	26,884	0 0 6½	
1911-12	East Africa ...	3,013,061	54,762	0 0 4½	Nil	Nil	54,762	0 0 4½	
1911-12	Uganda ...	2,843,325	60,036	0 0 5	Nil	Nil	60,036	0 0 5	
1911-12	Somaliland ...	327,859	23,282	0 1 5	Nil	Nil	23,282	0 1 5	
1911-12	Mauritius ...	375,481	28,368	0 1 6	Nil	Nil	28,368	0 1 6	Contribution to cost of Imperial Garrison.
—	Seychelles ...	22,691	Nil	Nil	Nil	Nil	Nil	Nil	

III.—Imperial General Staff

33243

No. 97.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received October 14, 1911.)

[Copy to War Office, October 24, 1911. L.F.]

[Answered by L.F. transmitting copy of No. 98.]

(No. 532.)

SIR,

Government House, Ottawa, 3 October, 1911.

I HAVE the honour to forward, herewith, for transmission to the War Office, a copy of a letter from the Department of Militia and Defence, on the subject of the formation of a "Dominion Section" at the War Office, consisting of officers representing the local General Staffs of the Dominions Forces, recommending that Major (temporary Lieutenant-Colonel) P. E. Thacker, Lord Strathcona's Horse, Royal Canadians, Director of Military Training at Militia Headquarters, be the representative, in the Dominion Section, of the General Staff of Canada.

I have, &c.,
GREY.

Enclosure in No. 97.

DEPARTMENT OF MILITIA AND DEFENCE to GOVERNOR-GENERAL'S SECRETARY.
(Imperial General Staff.)

SIR,

Ottawa, 29th September, 1911.

I HAVE the honour to inform you that the "Committee of the Imperial Conference to discuss Military Defence," which met in London on the 14th and 17th June this year, favourably considered the principle of forming a "Dominion Section" at the War Office, consisting of officers representing the local General Staffs of the Dominions Forces.

2. The financial and other details affecting the formation of this Section are contained in paragraph 4 of the confidential "Memorandum on the subject of Loans, Attachments, and Interchanges of and between officers of the Regular Army and officers of the Forces of the Oversea Dominions," W.O. 33/Gen., No./360, dated 31st August, 1910.

3. It is believed that the necessary arrangements for the accommodation of the new Section have been made at the War Office, and I am to request that you will inform His Excellency the Governor-General that Major (temporary Lieutenant-Colonel) P. E. Thacker (Lord Strathcona's Horse, R.C.), Director of Military Training at Militia Headquarters, is recommended as the representative, in the Dominion Section, of the General Staff of Canada.

4. The date proposed for Major Thacker to take up his new duties is, approximately, the 1st April, 1912, if this date is convenient to the War Office.

I have, &c.,

EUG. FISER,

Colonel,

Deputy Minister, Militia and Defence.

36847

No. 98.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Governor-General, Canada, No. 932, 21 November, 1911. L.F.]

(Australia. No. 502.)

(New Zealand. No. 388.)

(Union of South Africa. No. 613.)

MY LORD,

Downing Street, 21 November, 1911.

WITH reference to the discussion at the Imperial Conference on the subject of Military Defence and the papers published in [Cd. 5746 (2)], I have the honour to request [Your Excellency] [you] to inform your Ministers that Major (temporary Lieutenant-Colonel) P. E. Thacker, Lord Strathcona's Horse, Royal Canadians, at present Director of Military Training at Militia Headquarters, has been appointed as the representative of the General Staff of Canada in the Dominion Section, Imperial General Staff, now being formed at the War Office, and will take up his duties on the 1st April next.

I have to add that arrangements have been made for the accommodation in the War Office of Major Thacker and of the other officers forming the Dominion Section, Imperial General Staff.

I have, &c.,

L. HARCOURT.

39536

No. 99.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received December 9, 1911.)

[Answered by No. 104.]

(No. 204.)

SIR,

Governor-General's Office, Melbourne, 3rd November, 1911.

WITH reference to the accompanying "Report of a Committee of the Imperial Conference convened to discuss Defence (Military) at the War Office, June 14th

and June 17th, 1911.* I have the honour to inform you that His Majesty's Prime Minister of the Commonwealth has drawn my attention to the fact that in the "Conclusion" of Sub-section (f) of the report, the Committee made no recommendation regarding the provision of extra accommodation for officers of the Oversea Dominions at the Quetta Staff College, where accommodation is even more limited than at Camberley.

2. It appears to the Commonwealth Government that the omission mentioned may lead to possible future misunderstandings, and Ministers would, therefore, be glad to learn whether it is intended that no provision should be made for the reception of Australian officers at Quetta.

3. I may add that it is considered by His Majesty's Ministers of the Commonwealth that provision should be made on a similar scale to that recommended by the Committee for Camberley, as it is thought desirable that a proportion of the general staff in Australia should have an intimate knowledge of the organization and working of the Indian army.

4. A copy of this despatch has been transmitted to the Viceroy of India.

I have, &c.,
DENMAN,
Governor-General

39536

No. 100.

COLONIAL OFFICE to WAR OFFICE.

[Answered by No. 102.]

SIR, Downing Street, 23 December, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Army Council, a copy of a despatch† from the Governor-General of the Commonwealth of Australia referring to the conclusions arrived at by the Military Defence Committee of the Imperial Conference on the subject of the admission of Dominion officers to the Staff Colleges ([Cd. 5746 (2)], pages 13-14), and enquiring whether it is intended that no provision should be made for the reception of Australian officers at the Quetta Staff College.

2. As the Military Defence Committee met, under the presidency of the Chief of the General Staff, at the War Office, Mr. Harcourt presumes that the point raised by the Commonwealth Government should be considered, in the first instance, at all events, by the Army Council. Copies of Lord Denman's despatch and of this letter are being sent to the India Office.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

39536

No. 101.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 104.]

SIR, Downing Street, 23 December, 1911.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Secretary of State for India, a copy of a despatch† from the Governor-General of the Commonwealth of Australia regarding the provision of accommodation for Australian officers at the Quetta Staff College.

The despatch has been referred to the Army Council for consideration in the letter‡ of which a copy is enclosed.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 2 in [Cd. 5746-2], July, 1911.

† No. 99.

‡ No. 100.

645

No. 102.

WAR OFFICE to COLONIAL OFFICE.

(Received January 6, 1912.)

SIR,

War Office, London, S.W., 5th January, 1912.

I AM commanded by the Army Council to acknowledge the receipt of Colonial Office letter No. 39536/1911, dated 23rd December, 1911,* with enclosure, on the subject of providing extra accommodation at the Quetta Staff College for officers of the overseas Dominions, more particularly of the Commonwealth of Australia.

In reply, I am to explain that, when the Military Defence Committee of the Imperial Conference considered, last June, the question of the admission of officers of the overseas Dominions to the Staff Colleges at Camberley and Quetta, the representatives of the Dominions made no reference to the inadequacy of the accommodation available for these officers at Quetta. It will be seen from [Cd. 5746-2], Appendix B, page 18, that up to date only one officer, Lieutenant E. F. Harrison of the Australian forces, has been admitted to the Quetta Staff College. Application was also made in November, 1910, for the admission of Major C. H. Foott, but it was found that all available places had already been filled. Whether other qualified officers of the overseas Dominions have applied for admission to the Quetta Staff College, or whether their applications have been refused owing to want of accommodation, is not known.

If additional accommodation is needed at Quetta to meet the requirements of the officers of the overseas Dominions, especially of the Australian Commonwealth, the Army Council would be in favour of its provision on an adequate scale. This, however, appears to be a matter for the India Office and the Government of India. It seems improbable that officers from Canada or South Africa would apply for admission to the Quetta Staff College, and no estimate of the number of qualified officers from Australia and New Zealand likely to desire admission to the Staff College at Quetta in preference to Camberley is given in the enclosure to the Colonial Office letter under reply.

I am to invite attention to the contribution for each student from the forces of the overseas Dominions admitted to the Camberley Staff College, which was recommended by the Military Defence Committee at page 14 of [Cd. 5746-2]. The Army Council have no means of judging whether the same contribution would be equally appropriate in the case of the Quetta Staff College.

A copy of this letter is being sent to the India Office.

I am, &c.,
R. H. BRADE.

645

No. 103.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 104.]

SIR,

Downing Street, 9 January, 1912.

WITH reference to the letter from this Office of the 23rd of December,† I am directed by Mr. Secretary Harcourt to state that he understands that a letter has now been addressed to your Department on behalf of the Army Council on the subject of the proposal that extra accommodation should be provided at the Quetta Staff College for officers of the overseas Dominions. The views of the Secretary of State for India on this matter will doubtless be made known to Mr. Harcourt in due course.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 100.

† No. 101.

No. 104.

INDIA OFFICE to COLONIAL OFFICE.

(Received January 25, 1912.)

[Answered by L.F. transmitting copies of Nos. 106 and 107.]

SIR, India Office, Whitehall, London, S.W., 25th January, 1912.

IN reply to your letter of the 23rd December, 1911, No. 39536/11,* I am directed to inform you that the Government of India will be requested to take into consideration the question of increasing the accommodation at the Staff College, Quetta, so as to provide for the admission of a limited number of officers from the forces of the oversea Dominions.

It is understood from the War Office that it is improbable that applications for admission to the College at Quetta would be received from officers of the Canadian or South African Forces, and the Secretary of State for India in Council would be glad to know the number of officers whom the Governments of Australia and New Zealand would desire to send annually. It is necessary that the Government of India should know this in order that they may calculate the extent and cost of the new accommodation which would be required at Quetta.

The Government of India will be asked to submit proposals as to the amount of contribution which the Dominion Governments should be asked to make towards the cost of additional buildings and staff, should it be decided to enlarge the College.

I have, &c.,

LIONEL ABRAHAMS.

2614

No. 105.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 a.m., 26th January, 1912.)

TELEGRAM.

[Copy to War Office, 27 January, 1912. L.F.]

[Answered by No. 108.]

Government of Commonwealth of Australia having accepted scheme laid down Imperial General Staff submits for consideration of War Office name of Lieutenant-Colonel Legge as Commonwealth representative on the Imperial General Staff, London. Government of Commonwealth of Australia would be glad if War Office would select a General Staff Officer, 2nd Grade, as Director of Military Training on the departure of Lieutenant-Colonel Wilson from Australia. Salary on the present Estimates £600 per annum, and Ministers would be glad to know what salary it will be necessary to provide for the position. The salary and the expenses of transfer will be paid by the Government of the Commonwealth of Australia.—DENMAN.

2520

No. 106.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office and War Office, February 2, 1912. L.F.]

[Answered by No. 111.]

(No. 45.)

MY LORD,

Downing Street, 31 January, 1912.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 204, of the 3rd of November last,† on the subject of the provision of extra accommodation for officers of the oversea Dominions at the Quetta Staff College.

* No. 101.

† No. 99.

2. I have to inform you that the Government of India will be requested to take into consideration the question of increasing the accommodation at Quetta so as to provide for the admission of a limited number of officers from the forces of the self-governing Dominions. In order that the Government of India may be in a position to calculate the extent and cost of the new accommodation which would be required at Quetta, it is necessary that they should know the number of officers whom the Governments of those Dominions would desire to send annually, and I shall be glad if you will obtain this information from your Ministers for the Commonwealth.

3. When complete information is received, the Government of India will be asked, if it is decided to enlarge the College, to submit proposals as to the amount of the contribution which the Dominion Governments should be invited to make towards the cost of additional buildings and staff.

I have, &c.,

L. HARCOURT.

2520

No. 107.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to India Office and War Office, February 2, 1912. L.F.]

[Answered by No. 113.]

(No. 35.)

MY LORD,

Downing Street, 31 January, 1912.

I HAVE the honour to transmit to you, to be laid before your Ministers, the accompanying copy of correspondence* with the Governor-General of the Commonwealth of Australia, on the subject of the provision of extra accommodation for officers of the oversea Dominions at the Quetta Staff College.

2. I shall be glad to learn as soon as possible what number of officers your Government would desire annually to send to the College.

I have, &c.,

L. HARCOURT.

5704

No. 108.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.55 p.m., 23rd February, 1912.)

TELEGRAM.

[Copy to War Office, 1 March, 1912. L.F.]

Your telegram 26th January: Army Council will be glad to receive Lieutenant-Colonel Legge as representative of Australia in Dominion Section, Imperial General Staff.—HARCOURT.

5704

No. 109.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada. No. 152.)

(New Zealand. No. 67.)

(Union of South Africa. No. 97.)

SIR,

Downing Street, 29 February, 1912.

MY LORD,

WITH reference to my despatch [No. 932‡], [No. 388§], [No. 613§], of the 21st November last, I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that Lieutenant-Colonel J. G. Legge

* Nos. 99 and 106.

† No. 105.

‡ L.F. transmitting copy of No. 98.

§ No. 98.

has been appointed as the Representative of the General Staff of Australia in the Dominion Section, Imperial General Staff, now being formed at the War Office.

I have, &c.,
L. HARCOURT.

12878

No. 110.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received April 27, 1912.)

[Answered by No. 117.]

(No. 39.)

SIR,

Wellington, 20th March, 1912.

I HAVE the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister, stating that Colonel A. W. Robin, of the New Zealand Staff Corps, has been selected to represent New Zealand in the Oversea Section of the General Staff at the War Office, London, and that this officer will leave the Dominion on the 26th April, arriving in England about the middle of June.

I have, &c.,
ISLINGTON,
Governor.

Enclosure in No. 110.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Prime Minister's Office, Wellington, 14th March, 1912.

The Prime Minister presents his compliments to His Excellency the Governor and begs to inform him that Colonel A. W. Robin, C.B., C.M.G., T.D., of the New Zealand Staff Corps has been selected to represent New Zealand in the Oversea Section of the General Staff at the War Office, London.

This officer will proceed to England via Canada, leaving New Zealand on the 26th April and will arrive in England about the middle of June.

J. CARROLL,
for Prime Minister.

13800

No. 111.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received May 6, 1912.)

[Copy to War Office, May 14, 1912. L.F.]

(No. 54.)

SIR,

Governor-General's Office, Melbourne, 28th March, 1912.

REFERRING to your despatch, No. 45, dated 31st January last,* on the subject of the provision of extra accommodation for officers of the overseas Dominions at the Quetta Staff College, I have the honour to inform you that I am advised by the Prime Minister that the Commonwealth Government desires to send one officer annually to undergo the two years' course of instruction at the college.

I have, &c.,
DENMAN,
Governor-General.

* No. 106.

12878

No. 112.

NEW ZEALAND.

COLONIAL OFFICE to WAR OFFICE.

[Answered by No. 114.]

SIR,

Downing Street, 8 May, 1912.

WITH reference to the letter from this Office of the 8th of March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Army Council, the accompanying copy of a despatch† from the Governor of New Zealand, reporting the appointment of Colonel A. W. Robin, of the New Zealand Staff Corps, to represent the Dominion on the Oversea Section of the General Staff at the War Office.

Mr. Harcourt would be glad to learn what reply should, in the opinion of the Army Council, be returned to this despatch.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

14185

No. 113.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.36 a.m., 9th May, 1912.)

TELEGRAM.

[Copy to War Office, May 14, 1912. L.F.]

Your telegram of 8th May.‡ My Government propose to send to Staff College, Quetta, two officers annually. Despatch§ sent on 11th April.—ISLINGTON.

14525

No. 114.

NEW ZEALAND.

WAR OFFICE to COLONIAL OFFICE.

(Received May 13, 1912.)

SIR,

War Office, London, S.W., 11th May, 1912.

WITH reference to Colonial Office letter No. 12878/1912, dated 8th May, 1912,|| forwarding a copy of despatch from the Governor of New Zealand relative to the appointment of Colonel A. W. Robin, C.B., C.M.G., T.D., New Zealand Staff Corps, as representative of the General Staff of New Zealand in the Dominion Section, Imperial General Staff, now being formed in the War Office, I am commanded by the Army Council to say that they will be glad to receive Colonel Robin, and to request that the Government of the Dominion of New Zealand may be so informed.

I am, &c.,
E. W. D. WARD.

14185

No. 115.

COLONIAL OFFICE to INDIA OFFICE.

[Copy to War Office, May 14, 1912. L.F.]

SIR,

Downing Street, 11 May, 1912.

WITH reference to the letter from this Office of the 2nd of February,¶ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Marquess of Crewe, the accompanying copy of a despatch** from the Governor-General of the Commonwealth of Australia and of a telegram†† from the Governor

* L.F. † No. 110. ‡ Reminder of No. 107. § 15485: not printed.
|| No. 112. ¶ L.F. transmitting copies of Nos. 106 and 107. ** No. 111. †† No. 113.

of New Zealand on the subject of the admission of officers from those Dominions to the Quetta Staff College.

2. Mr. Harcourt will be glad to learn in due course whether it is possible to meet the wishes of the Commonwealth and New Zealand Governments in this matter.

3. I am to add that a copy of this letter has been forwarded to the War Office for the information of the Army Council.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

14525

No. 116.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 339.)
(Australia. No. 207.)
(Union of South Africa. No. 238.)

SIR,
MY LORD,

Downing Street, 17 May, 1912.

With reference to my despatch, No. [152*] [105†] [97*], of the 29th February, I have the honour to request [Your Royal Highness] [Your Excellency] to inform your Ministers that Colonel A. W. Robin, C.B., C.M.G., T.D., New Zealand Staff Corps, has been appointed as the representative of the General Staff of New Zealand in the Dominion Section, Imperial General Staff, now being formed at the War Office.

I have, &c.,
L. HARCOURT.

14525

No. 117.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 146.)

MY LORD,

Downing Street, 17 May, 1912.

I HAVE the honour to acknowledge the receipt of your despatch, No. 39, of the 20th March,† and to request you to inform your Ministers that the Army Council will be glad to receive Colonel A. W. Robin, C.B., C.M.G., T.D., of the New Zealand Staff Corps, as the representative of the General Staff of New Zealand in the Dominion Section, Imperial General Staff, now being formed at the War Office.

I have, &c.,
L. HARCOURT.

26043

No. 118.

WAR OFFICE to COLONIAL OFFICE.

(Received 19 August, 1912.)

[Answered by L.F. transmitting copies of Nos. 119 and 120.]

SIR,

War Office, London, S.W., 17th August, 1912.

With reference to the memorandum on the subject of loans, attachments, and interchanges of and between officers of the Regular Army and of the forces of the self-governing Dominions, forwarded under cover of War Office letter, dated 31st

* No. 109.

† L.F.

‡ No. 110.

August, 1910,* I am commanded by the Army Council to state, for the information of the Secretary of State for the Colonies, that, in accordance with paragraph 4 of the memorandum referred to, the following officers, representing their respective Dominions on the Central Section of the Imperial General Staff, have taken up their duties and now constitute a Dominion Section at the War Office:—

Colonel A. W. Robin, C.B., C.M.G., T.D., New Zealand Staff Corps.
Lieutenant-Colonel J. G. Legge, C.M.G., Commonwealth Military Forces,
Australia.
Lieutenant-Colonel P. E. Thacker, Lord Strathcona's Horse, Canada.

These officers have been granted local rank in the Regular Army corresponding with the ranks held by them in their own forces.

I am to enclose a copy of instructions which have been issued to these representatives to assist them in carrying out their duties on the lines suggested in the memorandum above referred to, which has been accepted in principle by the Governments of the Dominions concerned.

I am, &c.,
R. H. BRADE.

Enclosure in No. 118.

INSTRUCTIONS FOR OFFICERS FORMING THE DOMINION SECTION, TO SUPPLEMENT THOSE CONTAINED IN PARAGRAPH 4, MEMORANDUM ON THE SUBJECT OF LOANS, ATTACHMENTS, &c., AND OFFICE MEMORANDUM No. 672.

1. Officers of the Dominion Section must be prepared to give, to any branch of the War Office which may require it, information as to changes taking place in the forces of their Dominions as to any developments that are contemplated or effected and the reasons therefor, and regarding any political changes affecting military matters; so that the Chief of the Imperial General Staff may be able to form an opinion and express a judgment on any matter submitted to him.

2. They will assist the Director of Military Operations in the preparation of the handbooks of their respective Dominions.

3. They should assist the Director of Staff Duties in keeping touch with the local sections of the Imperial General Staff on questions of organisation and staff duties, and in preparing programmes for the attachment of officers from local forces of Dominions to the Regular Army.

4. Acting under such instructions as they may have received from their own Governments on the subject, it will be their duty to keep their respective Dominions acquainted with developments in contemplation, or being discussed, and possible changes in armaments, organisation, ammunition, equipment, transport, aviation, &c.

5. They will bring to the notice of the General Staff Directorates concerned any decisions given, or proposed to be given, in the Dominions they represent that appear to conflict in any way with principles enunciated by the Chief of the Imperial General Staff.

6. They will be the medium of semi-official communication between the War Office and the Dominions on technical and routine matters.

7. They will communicate direct with other sections of the General Staff Directorates on matters relating to the Dominions they represent.

8. All communications sent to the Dominions by officers of the Dominion Section, conveying the views of the Chief of the Imperial General Staff on any point, will be submitted before despatch to the Director responsible for the subject dealt with, and should bear the initials of such Director or the Chief of the Imperial General Staff himself when of sufficient importance.

9. Semi-official correspondence from officers of the Dominion Section to the authorities in their respective Dominions will be addressed and conducted in accordance with such instructions as may be given to those officers by their respective Dominion authorities.

10. All official correspondence from the War Office to the Dominions passes through the Colonial Office and not through the High Commissioner (*vide* 091/2498a).

* No. 324 in Dominions No. 19.

26043

No. 119.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

[Copy to War Office, 27 August, 1912. L.F.]

(No. 176.)

SIR,

Downing Street, 26 August, 1912.

WITH reference to the discussion at the Imperial Conference on the subject of Military Defence and the papers published in [Cd. 5746-2]. I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a letter* from the War Office reporting the formation of a Dominion Section of the Imperial General Staff at the War Office.

I have, &c.,

L. HARCOURT

26043

No. 120.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to War Office, 27 August, 1912: L.F.]

(Canada. No. 603.)

(New Zealand. No. 249.)

(Australia. No. 353.)

(Union of South Africa. No. 409.)

[SIR] [MY LORD].

Downing Street, 26 August, 1912.

WITH reference to my despatch No. [339] [207] [146] [238] of the 17th of May,† I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a letter* from the War Office reporting the formation of a Dominion Section of the Imperial General Staff at the War Office, and enclosing a copy of the instructions issued for the guidance of members of it.

I have, &c.,

L. HARCOURT.

33866

No. 121.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 26 October, 1912.)

[Copies to War Office and Foreign Office, 5 November, 1912. L.F.]

(No. 204.)

SIR,

Governor-General's Office, Melbourne, 17th September, 1912.

REFERRING to paragraph No. 2 of your despatch, No. 441, dated 6th October, 1911,‡ on the question of the channel through which communications on military subjects from the self-governing Dominions should be made to the Imperial military authorities, and to your despatch, No. 291, dated 10th July, 1912,§ relating to the High Commissioner of the Commonwealth directly communicating with His Majesty's Consular Officers abroad, I have the honour to forward herewith a copy of a despatch which has been addressed to me by my Prime Minister, from which it will be gathered that steps have been taken for observing the correct channel of communication in future.

I have, &c.,

DENMAN,

Governor-General.

Enclosure in No. 121.

MY LORD,

Prime Minister, Melbourne, 24th August, 1912.

WITH reference to the instances which have been brought under notice in which there has been a departure from the prescribed channel of communication between the Commonwealth and Imperial Governments, I have the honour to inform

* No. 118.

† No. 116 [117].

‡ 31379: not printed.

§ 18919: not printed.

Your Excellency that instructions have been issued that correspondence between the Commonwealth and Imperial Governments on all matters excepting those specially exempted shall be conducted through the Prime Minister, the Governor-General, and the Colonial Office. Further, that the same course should be followed in cases where information is desired from British Ambassadors and Consular officers abroad.

I shall be glad if Your Excellency will advise the Secretary of State for the Colonies in the matter.

I have, &c.,

ANDREW FISHER.

Governor-General

His Excellency

The Right Honourable

Lord Denman, P.C., G.C.M.G., K.C.V.O.,

&c.,

&c.,

&c.

34857

No. 122.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4 November, 1912.)

[Answered, 28 February, 1913, by 4490 in Dominions No 47.]

(No. 207.)

Governor-General's Office,

Melbourne, 20th September, 1912.

SIR,

I HAVE the honour to transmit herewith a memorandum which has been forwarded to me by my Prime Minister on the subject of the duties of the officer appointed as representative of the Commonwealth Section on the Central Section of the Imperial General Staff.

2. I should be glad if the information can be submitted for the consideration and concurrence of the Chief of the Imperial General Staff.

I have, &c.,

DENMAN,

Governor-General.

Enclosure in No. 122.

AUSTRALIAN REPRESENTATIVE AT CENTRAL SECTION OF THE IMPERIAL GENERAL STAFF, LONDON.

1. In the memorandum of the Chief of the General Staff (War Office), dated 7th December, 1908, which was the outcome of a resolution of the Imperial Conference of 1907 affirming the need for an Imperial General Staff, the necessity and advantages of creating such a staff were pointed out, and the general lines upon which such a staff might be formed were outlined.

In this memorandum it was shown that for efficiency there must be maintained close touch between local sections and the central section in London, and it was suggested that such touch might best be achieved by attaching selected officers of local sections to the War Office.

2. In his memorandum of the 31st August, 1910, the Chief of the Imperial General Staff outlined the duties which would devolve upon an officer so attached as follows:—

- (i.) To study the methods of education and training and staff duties in vogue under the eyes of the Chief of the Imperial General Staff, as well as the latest ideas on organisation, strategy, and tactics.
- (ii.) To give the Chief of the Imperial General Staff information of local defence arrangements and other local matters in their respective countries.
- (iii.) To study the part played by local forces in Imperial defence.
- (iv.) To correspond on such questions with their local Chiefs, and he suggested that they should at the War Office form a Dominion Section in the Directorate of Staff Duties, and that the home Government would provide the necessary clerks and office accommodation.

3. It is evident from the foregoing that the officer appointed to represent the Commonwealth Section of the Imperial General Staff in London must act in a dual capacity—

- (i.) as the representative of the Chief of the local section;
- (ii.) as a subordinate of the Chief of the Imperial General Staff.

It is necessary, therefore, clearly to define, at the time of his appointment, to whom a local representative will be primarily responsible. Now, the Imperial General Staff is the advisory body of the Empire's military forces, and the Chief of the Imperial General Staff is its head. It is not, however, an executive body, nor has its head any command of local sections. Local sections at present consult the central body through their local Governments, and the basic idea of appointing a representative to the central section is—

- (i.) that local sections shall be so linked to the central section that :—
 - (a) the Dominion concerned may more easily procure advice;
 - (b) advice may, when occasion demands, be tendered without application for it;
 - (c) the Chief of the Imperial General Staff may have at his disposal an officer with local knowledge so that all aspects of local questions may be thoroughly considered.

It follows, therefore, that the Dominion representative clearly remains the subordinate of the Chief of the local section, and such duties as the Chief of the Imperial General Staff may require of him he may be deputed to perform on behalf of the local section.

4. The question of responsibility being settled, the duties devolving on the representative on behalf of his local section must be defined.

These may be stated generally as :—

- (i.) To submit for the opinion and advice of the Chief of the Imperial General Staff such General Staff questions as may be referred to him.
- (ii.) To procure the opinion and advice of the Chief of the Imperial General Staff upon such matters as come within his cognisance from local advices received by him, and to tender such advice to the Chief of the local section when, in his opinion, it is advisable for him to do so.
- (iii.) To study the methods of organisation, administration, education, and training in vogue, and to make such reports thereon from time to time as are necessary to keep the local section up to date.
- (iv.) To study and report upon the most advantageous method by which the local forces can co-operate in Imperial military problems.
- (v.) In the consideration of local military problems to place before the Chief of the Imperial General Staff the local military and other aspects, or such other information as he may deem necessary for enabling the Chief of the Imperial General Staff comprehensively to appreciate all the factors involved.
- (vi.) To procure on behalf of local section of the General Staff and administrative departments such information as may be applied for from time to time.

5. On behalf of the local Chief of the General Staff he may be deputed to perform the following duties for the Chief of the Imperial General Staff :—

- (i.) To be responsible to the Chief of the Imperial General Staff for all information and intelligence required upon his own Dominion and the local forces maintained therein.
- (ii.) To examine and present to the Chief of the Imperial General Staff such remarks upon local defence schemes as will enable such schemes more completely to be reviewed by the Overseas Defence Committee.
- (iii.) To advise and assist the Chief of the Imperial General Staff in preparing courses of instruction, &c., for officers of the Commonwealth Forces sent to England for training.
- (iv.) On behalf of the Chief of the Imperial General Staff to submit to the local Chief of the General Staff reports upon officers during or at the completion of such training.

6. To enable the duties enumerated in 4 and 5 to be efficiently performed, it will be necessary :—

- (i.) That the Australian Representative shall be supplied with copies of—
 - (a) Australian Estimates.
 - (b) Hansard.
 - (c) Local papers.
 - (d) Military publications.
 - (e) Orders and regulations.
 - (f) Military Board agenda papers.
 - (g) Military Board and Minister's decisions.

Responsibility for furnishing the representative with such data should devolve on the local Chief of the General Staff.

- (ii.) It will be noted that in the last sub-paragraph of paragraph 4 of the memorandum upon loans, exchange, and interchange of officers the home Government proposed to pay travelling allowances at home rates to Dominion Representatives. It is difficult to see how the responsibility of the representative to his own Government can be maintained if this suggestion is adopted, or how it will be possible for him on behalf of that Government to make all the research, &c., necessary if he is to be beholden to the home Government for authority to draw travelling allowance. It will be more satisfactory if such allowances were paid by the Governments to whom representatives are responsible.

- (iii.) The third question requiring settlement is the channel of communication to be adopted.

The general question as to the channels in which official correspondence should be directed is now under consideration, and the principle finally decided upon will be notified later.

- (iv.) When the advice of the local representative is required upon administrative or technical questions by members of the Military Board responsible for such matters, requests should be forwarded through the local Chief of the General Staff for transmission to the War Office.

7. It is understood that the detailed organisation of the Dominions' Section is a matter for the local representatives, in consultation with the Director of Staff Duties at home. It is essential, however, that the representative should bear in mind that to fulfil his duties satisfactorily close touch must be maintained with all the Directorates of the General Staff.

8. The Chief of the Imperial General Staff should be asked to report annually upon the qualifications of the local representative, as is done in the case of officers of the Regular Army attached to the Australian Forces.

34886

No. 123.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4 November, 1912.)

(Secret.)

Governor-General's Office, Melbourne,

20th September, 1912.

SIR,

REFERRING to my despatch, No. 207, of this day's date,* forwarding a memorandum dealing with the duties of the officer appointed as representative of the Commonwealth Section on the Central Section of the Imperial General Staff, I have the honour to inform you that, when a memorandum on this subject was submitted to me some time ago by the Prime Minister, I found myself unable to concur in one part of the memorandum as it then stood. The part in question had for its object the establishment of an arrangement under which the Secretary of the Defence Department would have conducted all arrangements with respect to military matters in which the War Office was concerned direct with the Chief of the Imperial General Staff. I pointed out to my Prime Minister that such an arrangement would not be

* No. 122.

in conformity with established practice, and, moreover, would not be in compliance with the wishes of the Colonial Office.

2. The memorandum which I am now forwarding has been submitted in substitution, and it will be observed at page 3, Section 6, sub-section (iii) that "the general question as to the channels in which official correspondence should be directed is now under consideration."

3. I have thought it advisable specially to bring this matter under your notice in order that the question may not be overlooked when the memorandum is being dealt with by the War Office.

I have, &c.,
DENMAN,
Governor-General.

34857

No. 124.

AUSTRALIA.

COLONIAL OFFICE to WAR OFFICE.

[Answered by 4490 in Dominions No. 47.]

Sir, Downing Street, 12 November, 1912.

WITH reference to the letter from this Office of the 27th of August,* I am directed by Mr. Secretary Harcourt to transmit to you, for any observations which the Army Council may desire to offer, the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia on the subject of the duties of the Officer appointed as representative of the Commonwealth Section of the Imperial General Staff.

2. The Army Council will observe that Lord Denman's despatch was written before the receipt of the Secretary of State's despatch of the 26th of August‡ a copy of which was enclosed in the letter from this Office under reference.

I am, &c.,
H. W. JUST.

34886

No. 125.

AUSTRALIA.

COLONIAL OFFICE to WAR OFFICE.

[Answered by 4490 in Dominions No. 47.]

(Secret.)

Sir, Downing Street, 12 November, 1912.

WITH reference to the letter from this Office, No. 34857, of even date,§ I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Army Council, the accompanying copy of a despatch|| from the Governor-General of the Commonwealth of Australia, on the subject of communications between the War Office and the Commonwealth Section of the Imperial General Staff.

2. I am also to invite the attention of the Army Council to the letter from this Office of the 5th of November,¶ in which it was stated that instructions had been given that correspondence between the Commonwealth and the Imperial Government on all matters except those specially exempted should be conducted through the Prime Minister, the Governor-General, and the Colonial Office. There is clearly some discrepancy between the terms of that communication and of the communications referred to in this letter, and it will be observed that the enclosure to the Governor-General's despatch, No. 207,† is not dated.

I am, &c.,
H. W. JUST.

* L.F. transmitting copies of Nos. 119 and 120.
§ No. 124.

| No. 123.

† No. 122.
‡ L.F. transmitting copy of No. 121.

‡ No. 120.

CO 376/6/4

67

Dominions
No. 47.

CONFIDENTIAL.

CORRESPONDENCE

[1913]

RELATING TO

NAVAL AND MILITARY
DEFENCE.

(In continuation of Dominions No. 46 ; continued by Dominions No. 52.)

TABLE OF CONTENTS.

(NOTE.—The correspondence is arranged in three sections.)

NOTE.—The asterisk placed against some of the serial numbers indicates that the document is printed in full in a Parliamentary Paper. The indexes are printed here for convenience.

I.—STATUS OF DOMINIONS NAVIES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
1	To Admiralty ...	Australia	January 20	Transmits, for observations, a copy of a Bill which has been introduced into the Commonwealth Parliament entitled: "A Bill for an Act to amend the Naval Defence Act, 1910-1911."	1
2	Admiralty ...	Australia	January 27	Transmits copy of a letter to the Foreign Office covering a copy of a memorandum to be circulated to foreign Powers relative to the status of the Australian Navy.	1
3	The Governor-General.	Australia, Telegram.	(Rec. Jan. 29)	States that the Naval Defence Act, 1912, applies the Naval Discipline Act, Dominions Naval Forces, 1911, to the Naval Forces of the Commonwealth, and that it is now proposed to issue instructions on the lines of the memorandum enclosed in Secretary of State's despatch of 22nd June.	2
4	Admiralty ...	Australia	February 4	States that there is no objection to the proposal in No. 3, and adds that the Commander-in-Chief on the Australian Station is being directed by telegraph to issue similar instructions forthwith.	3
5	To Admiralty ...	—	February 4	Concurs in the terms of the letter to the Foreign Office transmitted in No. 2, but considers that the notification should extend to Canadian vessels.	3
6	To Foreign Office...	—	February 4	Transmits copies of Nos. 2 and 5 ...	3
7	To the Governor-General.	Australia, Telegram.	February 5	States that the Admiralty concur in the proposal in No. 3 and are instructing the Commander-in-Chief on the Australian Station to issue similar instructions forthwith.	4
8	Admiralty ...	Australia	February 8	States that Admiralty do not desire to offer any observations on the Bill enclosed in No. 1, which appears adequate for its purpose.	4
9	Foreign Office ...	—	February 14	Considers, in reply to No. 6, that the proposed notification to foreign Governments might be deferred until an enquiry on the subject is made by some foreign Government.	4

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
10	To Foreign Office...	—	February 21	Explains, in reply to No. 9, that the Secretary of State remains of the opinion that the Dominion ships would be entitled as a matter of course to the status of His Majesty's ships of war, but he was prepared to waive his views as the Admiralty appeared to attach importance to such a notification; if difficult questions of international law might thereby be raised the suggestion need not, so far as Mr. Harcourt is concerned, be pursued, but if the notification is made it should not be confined to the Australian Navy alone.	5
11	To the Admiralty...	Australia	February 24	States that the Bill to amend the Naval Defences Act, 1910-11, has now become law; explains the doubt which the Secretary of State felt as to the adequacy of the wording of Clause 3, but proposes, in view of the terms of No. 8, to sanction the Bill.	5
12	The Governor-General.	Australia, Telegram.	(Rec. Mar. 11)	States that the Prime Minister has enquired whether all foreign Powers have been informed of the status of the Australian warships.	6
13	To Foreign Office and Admiralty.	Australia	March 12	States purport of No. 12, and proposes to reply that, as the ships will fly the white ensign as a symbol of the authority of the Crown, His Majesty's Government consider it unnecessary to make any formal notification to foreign Governments as to their status.	6
14	Admiralty ...	—	March 14	States that in deference to Colonial Office and Foreign Office views the issue of any notification to foreign Governments will not be pressed for, provided that it is found that no difficulty does in fact arise.	7
15	Foreign Office ...	—	March 18	Transmits a copy of a letter to the Admiralty conveying the view that the proposed notification to foreign Powers is unnecessary, but suggesting an amendment in the reply which the Colonial Office proposes should be made to the Governor-General of Australia.	7
16	Admiralty ...	—	March 27	States that the discrepancy referred to in the Colonial Office letter of 10th September last has been under the notice of the Admiralty, and that steps are now being taken to amend Article 122 so as to accord with the intention of the Admiralty in 1865 and also to include the special provision relative to the flags to be flown by ships of the Canadian and Australian navies.	8
17	Foreign Office ...	—	March 29	Transmits, with reference to No. 15, a copy of a letter from the Admiralty preferring the reply proposed by the Colonial Office; concurs in the terms of the reply.	8

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
18	To the Governor-General.	Australia, Telegram.	April 1	States, in reply to No. 12, that as Australian warships will fly the white ensign as a symbol of the authority of the Crown, His Majesty's Government consider it unnecessary to make any formal notification to foreign Governments as to their status.	9
19	The Governor-General.	Australia, Secret.	February 22 (Rec. April 7.)	Concurs in the procedure suggested by the Admiralty for placing under the control of the Admiralty the Commonwealth naval service in time of emergency or war, except as indicated.	9
20	To Admiralty ...	Australia, Confidential.	April 12	Transmits a copy of No. 19; points out that the Commonwealth Government desire that war orders should pass through them, and presumes that the Admiralty will comply.	10
21	The Governor-General.	Australia, Telegram.	(Rec. April 30)	Enquires whether the Order in Council referred to in the memorandum enclosed in Secretary of State's despatch of 17th August has yet been passed.	10
22	To the Admiralty...	Australia.	May 5	Encloses copy of No. 21 and enquires whether, as an early reply from Canada is not to be expected, an Order in Council might not be passed for the special purposes of Australia.	10
23	Admiralty ...	Australia, Secret.	May 15	Explains, in reply to No. 20, the exact procedure which will be adopted with regard to the transmission of war orders, and forwards the war orders which have been prepared for the emergency in contemplation and which have received the concurrence of the Commonwealth naval representative in London.	11
24	To the Governor-General.	Australia, Secret.	May 16	Transmits a copy of No. 23 together with the war orders forwarded therein.	12
25	Admiralty ...	Australia	May 21	Concurs in the proposal to sanction the Commonwealth Naval Discipline Act, 1912.	13
26	To the Governor-General.	Australia, 331.	June 6	Sanctions the Commonwealth Naval Defence Amendment Act, 1912.	13
27	Ditto ...	Australia, 476.	August 15	Forwards copies of a memorial submitted to and approved by His Majesty in Council under the Naval Discipline (Dominion Forces) Act, 1911, giving Imperial validity to the regulations issued by the Admiralty and the Commonwealth Government on the subject of discipline between the officers and men of the various units of His Majesty's Naval Forces.	13
28	To the Governors-General and Governors.	Canada, 726; New Zealand, 364; Union of South Africa, 395; Newfoundland, 249.	September 24	Forwards copies of an Order in Council on the 12th of August, 1913, under Section 1 (1) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911.	14

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
29	To Admiralty ...	—	September 24	Forwards a copy of regulations under the Naval Defence Act, 1910-12, of the Commonwealth with regard to the application of the Naval Discipline Act to the Commonwealth Naval Forces; proposes to ask the Governor-General to forward copies to the Governments of the other self-governing Dominions, and encloses a copy of No. 28.	16
30	Admiralty ...	—	October 15	Requests, in reply to No. 29, that the Commonwealth Government be asked, as a temporary measure, to arrange for proceedings at courts martial to be forwarded to the Admiralty; suggests that the Navy Board in giving effect to the Statutory Rule should use terms similar to those employed in the Order in Council of 12th August last, and agrees, subject to these observations, to the Regulations being communicated to the other self-governing Dominions.	18
31	To the Governor-General.	Australia, 656.	October 30	Forwards a copy of No. 30 and requests that copies of the Statutory Rule may be forwarded to the other self-governing Dominions.	18
32	Ditto ...	Australia, Confidential, 2.	November 14	Transmits a draft of a memorial by the Admiralty to His Majesty regarding the grant of commissions to officers of the Royal Navy and the Royal Australian Navy; explains the delay in forwarding the same, and requests to be informed by telegraph whether Ministers concur in the draft.	19
33	The Governor ...	New Zealand, Telegram.	(Rec. Dec. 20)	States that the necessary legislation has been passed authorising the establishment of a New Zealand Naval Force and providing for the application of the Naval Discipline Acts and the reconstitution of the New Zealand Royal Naval Reserve, and adds that the New Zealand Government accepts the offer of the loan of H.M.S. "Philomel" and an officer of suitable seniority and experience as Naval Adviser as soon as convenient.	19
34	Admiralty ...	New Zealand.	December 24	States that they would not suggest that covering sanction should be withheld for the application of the title "Royal" to the reconstituted New Zealand Naval Reserve; presumes that copies of the legislation passed will be forwarded by the Governor at the earliest opportunity, but requests that a fuller summary of the effect of this legislation may be obtained by telegraph.	19
35	To the Governor ...	New Zealand, Telegram.	December 30	States, in reply to No. 33, that the Admiralty would be glad to receive a fuller summary of the effect of the legislation passed, and, in particular, all details of the financial proposals.	20

II.—DEFENCE POLICY AND REPRESENTATION OF THE DOMINIONS ON THE COMMITTEE OF IMPERIAL DEFENCE.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
36	The Governor ...	New Zealand, Secret (Extract).	November 28, 1912 (Rec. Jan. 6.)	Reports that the Minister of Finance and Defence is leaving for England in December and wishes to discuss with the Secretary of State future naval policy in the Pacific; remarks as to the opinions in the Dominion on the subject; and observes that the feeling is growing that New Zealand and Australia are too remote from Europe to rely on a home fleet and that a local fleet is necessary.	21
37*	To the Governor-General.	Australia, Telegram.	January 8	Enquires if the date of the proposed conference is correctly given in his telegram of 19th December, 1912, as 1913.	21
38*	The Governor-General.	Australia, Telegram.	(Rec. Jan. 9)	States that the year named is correct, and explains that Ministers desire that the conference should be held at once in view of the general elections probably occurring in May next.	22
39*	To the Governor-General.	Australia, Telegram.	January 10	States that it is impossible to hold a general Naval Defence Conference at the date named and places suggested; but that after the general election in Australia, any Australian Minister who should visit England for discussion would be welcomed.	22
40	To Admiralty ...	New Zealand, Secret.	January 15	Transmits a copy of No. 36; calls attention to the reason given for the enquiry made by the New Zealand Government as to the future naval policy of His Majesty's Government, and requests a reply to that enquiry before Mr. Allen's arrival; enquires whether the views of the Admiralty have altered regarding the part to be played by New Zealand in Imperial defence; and asks whether Admiralty have any further information as to the negotiations between Australia and New Zealand with a view to co-operation in regard to naval defence.	22
41	Ditto ...	New Zealand, Secret.	January 21	Observes that H.M.S. "Defence" has been transferred from the China Station to the Mediterranean Station and that H.M.S. "Hampshire," apparently a weaker vessel, is under orders to take her place; and enquires in what terms the change should be notified to the New Zealand Government, in view of the arrangement regarding the employment of the "New Zealand" in home waters.	23
42	Admiralty ...	New Zealand, Confidential.	January 27	States, in reply to No. 41, that the Admiralty have no reason to believe that the New Zealand Government attached any condition to their consent for H.M.S. "New Zealand" to be employed where her services were considered to be of most value; that the composition of the China Squadron is clearly a matter for the Admiralty alone; and considers it unnecessary to communicate with the New Zealand Government in the matter.	23

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
43	To Admiralty ...	New Zealand, Confidential.	January 30	States that a reply to No. 42 will be deferred pending the receipt of a reply to No. 40.	23
44	The Governor-General.	Union of South Africa, 20.	January 13 (Rec. Feb. 1.)	Forwards a copy of a minute from Ministers covering a report on the class of instruction for officers of the Union Defence Forces at the South African Military School, Bloemfontein, and enquiring as to the channel of communication of subsequent reports.	24
45*	To the Governors-General and Governors.	Canada, Union of South Africa, New Zealand, Newfoundland, Confidential.	February 22	Transmits copies of telegraphic correspondence with the Governor-General of Australia as to the proposal to hold a conference on naval defence in January or February, 1913.	27
46*	The Governor-General.	Union of South Africa, Secret (2).	February 5 (Rec. Feb. 24.)	Transmits a copy of a secret minute from Ministers conveying appreciation of the views expressed by the Secretary of State, but deprecating any new departure which might prove less satisfactory than the present smoothly working machinery.	27
47	The Governor ...	Newfoundland, Telegram.	(Rec. Feb. 28)	Communicates a minute from Ministers requesting that the Admiralty may consider how participation of Newfoundland in Imperial defence can be best ensured, and suggesting a substantial enlargement of the Naval Reserve and annual visits of warships to give the Reserve deep sea training; and adds that the number of reservists is at present 600 and that Ministers will not be adverse to doubling this number.	27
48	To the Governor-General.	Union of South Africa, Telegram.	March 1	Presumes that his Ministers have no objection to the publication of No. 46.	28
49	To Admiralty ...	Newfoundland.	March 1	Transmits a copy of No. 47 and enquires what reply should be returned.	28
50	To the Governor ...	Newfoundland, Telegram.	March 4	States that the offer made in No. 47 is highly appreciated and that the matter is being referred to the Admiralty.	28
51	The Governor-General.	Union of South Africa, Telegram.	(Rec. Mar. 13)	States, in reply to No. 48, that Ministers have no objection to publication.	28
52	Admiralty ...	Newfoundland.	March 13	Transmits a draft telegram in reply to No. 47.	29
53	To Admiralty ...	Newfoundland.	March 18	Suggests the omission, in the draft telegram enclosed in No. 52, of any suggestion that Sir E. Morris should come to England at the present time.	29

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
54*	To the Governors-General and Governors.	Canada, Australia, New Zealand, Newfoundland, Confidential.	March 20	Transmits a copy of No. 46	30
55	Admiralty	Newfoundland.	March 23	States, in reply to No. 53, that it was not intended to propose an immediate conference with a Newfoundland representative, but, as it may be desirable that such a conference should take place later, suggests alteration in the draft telegram.	30
56	To the Governor ...	Newfoundland. Telegram.	April 4	Conveys thanks for the loyal and patriotic offer made in No. 47, but suggests, for reasons indicated, that existing arrangements should continue pending a further examination of the whole subject, as to which a conference may be desirable later on.	30
57*	The Governor ...	Newfoundland, Confidential.	April 8 (Rec. Apr. 21.)	Transmits a copy of a letter from the Colonial Secretary stating that Ministers see no difficulty in Ministers from Newfoundland when in London putting themselves in touch with the Imperial Defence Committee.	31
58	To the Governor ...	New Zealand, Secret.	April 25	Transmits copies of correspondence between the First Lord of the Admiralty and the Minister of Defence for New Zealand during the visit of the latter to England, together with two memoranda on the subject of Imperial and New Zealand naval policy.	31
59*	To the Governors-General and Governor.	Canada, Australia, New Zealand, Union of South Africa, Confidential (2).	May 2	Transmits copies of No. 57	31
60	To the Governors-General and Governors.	Canada, Australia, New Zealand, Union of South Africa, Newfoundland, Confidential.	May 26	Transmits copies of a revised statement showing the population and the naval and military expenditure of the United Kingdom, India, and the overseas Dominions; explains that the figures for military expenditure have been prepared on the same lines as the figures for naval expenditure, and enquires to what extent, if any, the figures of expenditure of the Dominions should be amended in order to make them strictly comparable with those for the United Kingdom.	31

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
61	The Governor ...	New Zealand, Telegram, Secret.	(Rec. June 24)	States that his Government accept the principle of the proposals of the Minister of Defence, but consider that the Admiralty's suggestion to send the "Cambrian" and "Psyche" to New Zealand waters is too serious a departure from the Agreement of 1909, and that, if the Admiralty will substitute two cruisers of the "Bristol" type, his Government would recommend the provision of £150,000 in place of the £100,000 now paid.	36
62	To Admiralty ...	New Zealand, Secret.	June 26	Transmits a copy of No. 61	36
63	Admiralty ...	New Zealand, Confidential.	July 8	Considers, in reply to No. 62, that it is premature to discuss the matter until the New Zealand Government have before them the memorandum elaborating the scheme outlined by Colonel Allen, and that the reference to the substitution of two cruisers of the "Bristol" type requires explanation; encloses draft telegram to New Zealand accordingly.	36
64	To the Governor ...	New Zealand, Telegram, Secret.	July 10	Observes that before discussing the proposals of the Admiralty Ministers will probably prefer to await receipt of a memorandum summarizing Colonel Allen's scheme, and that Admiralty do not consider vessels of the "Bristol" type to be suitable for training purposes.	37
65	To Admiralty ...	—	July 11	Transmits copy of No. 64; desires that the memorandum prepared at Colonel Allen's request referred to in No. 63 may be forwarded through the Colonial Office to the New Zealand Government.	37
66*	The Governor ...	New Zealand, Confidential.	June 19 (Rec. July 28.)	States that Ministers do not consider it advisable at present to appoint a permanent representative on the Committee of Imperial Defence, but rather that any Ministers when in England may be invited to attend the deliberations of the Committee.	38
67	Ditto ...	New Zealand, Telegram, Secret.	(Rec. July 31)	Enquires on what date the correspondence referred to in No. 64 was posted, and whether the despatch contains an answer to the suggestion made in a letter sent from Halifax on the 24th April by Colonel Allen to the First Lord of the Admiralty.	38
68	To Admiralty ...	New Zealand.	August 1	Transmits a copy of No. 67; enquires what reply should be returned, and asks to be furnished with the memorandum which is being prepared by the Admiralty for transmission to the Governor at the earliest possible date.	38
69	To the Governor ...	New Zealand, Telegram.	August 8	States, in reply to No. 67, that memorandum with letter replying to Colonel Allen's letter of 24th April go by mail of August 8th.	38

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
70	To the Governor ...	New Zealand, Secret.	August 8	Transmits, in reply to No. 67, a letter from the First Lord of the Admiralty to the Minister of Defence of the Dominion regarding the organisation and training of the naval force of the Dominion.	39
71	The Governor ...	New Zealand, Telegram, Secret.	(Rec. Aug. 11)	States that Ministers would be glad to have by telegraph the gist of the memorandum and letter mentioned in No. 69, and that they deprecate the apparently official announcement from London that the "Philomel" is being commissioned for New Zealand.	39
72	To Admiralty ...	New Zealand, Confidential.	August 12	Transmits copies of Nos. 69-71 and enquires what reply should be returned to No. 71.	39
73*	To the Governors-General and Governor.	Canada, Newfoundland, Australia, Union of South Africa, Confidential.	August 15	Transmits copies of No. 66 ...	40
74*	The Governor-General.	Australia, Telegram	(Rec. Aug. 15)	States that the Commonwealth Government point out that while the Australian unit of the Eastern Fleet is nearly complete the China and East India units have not yet been provided and they are anxious to know the intentions of His Majesty's Government with respect to this matter.	40
75	To Admiralty ...	Australia	August 21	Forwards a copy of No. 74 and requests observations thereon.	40
76	Admiralty ...	New Zealand, Confidential.	August 27	Transmits a draft of a reply to No. 71 ..	41
77	To the Governor ...	New Zealand, Telegram, Secret.	August 28	Inform him that the memorandum and letter referred to in No. 71 are too long to be summarized, but they develop the policy discussed with Colonel Allen, and states the main features of Admiralty proposals as regards immediate movements of ships.	41
78	Ditto ...	New Zealand, Secret.	September 12	Forwards copies of correspondence between the Minister of Defence of New Zealand and the First Lord of the Admiralty.	41
79	The Governor ...	New Zealand, Telegram, Secret.	(Rec. Sept. 16)	States, in reply to No. 70, that his Ministers maintain that the Admiralty's proposal to allocate the "Pyramus" and "Psyche" is a very serious departure from the Agreement of 1909; requests that it may be ascertained whether the Admiralty could agree to meet the views of the Prime Minister as conveyed in No. 61 or suggest some similar proposal with a view to obviating the difficulty.	42

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1913.					
80	To Admiralty ...	New Zealand, Secret.	September 17	Forwards a copy of No. 79 and enquires what reply should be returned; and points out that Mr. Churchill's letter to Colonel Allen explaining why two "Bristol" cruisers cannot be sent will not reach Colonel Allen for nearly five weeks.	42
81	Admiralty ...	New Zealand, Confidential.	September 24	Transmits draft of a reply to No. 79 ...	42
82	The Governor ...	New Zealand, Telegram, Secret.	(Rec. Sept. 24)	Communicates a message from his Government requesting to know definitely whether the Imperial Government is prepared now, or within eighteen months, to arrange for two "Bristol" cruisers to be stationed in New Zealand waters, stating that it is understood that the Admiralty desire to abandon the part of the 1909 Agreement relating to destroyers and submarines, and adding that the training ship proposal will be accepted as part of New Zealand policy, but that the proposed arrangement as to the "Pyramus" and "Psyche" is considered unsatisfactory.	43
83	To Admiralty ...	New Zealand, Secret.	September 24	Transmits a copy of No. 82 and enquires what reply should be returned.	43
84	To the Governor ...	New Zealand, Telegram, Secret.	September 25	Communicates a message from the Admiralty stating, in reply to No. 79, that a full explanation of the alteration in the strategic requirements since 1909 which preclude the despatch to New Zealand of cruisers of the "Bristol" type was given to Colonel Allen when in England, that it would be equally difficult to arrange for the substitution of other and more powerful cruisers for those now stationed in New Zealand waters, and that the scheme of 1909 has been superseded by that forwarded on the 8th of August.	44
85	Admiralty ...	New Zealand, Secret.	September 29	Transmits draft of a reply to No. 82 ...	44
86	Ditto ...	Confidential.	October 1	Submits a statement, in reply to No. 75, of the reasons which have led the Admiralty to defer any attempt to reconstitute the China and East Indies Squadrons in strict accordance with the understanding arrived at in 1909.	44
87	The Governor ...	New Zealand, Telegram, Secret.	(Rec. Oct. 2)	Requests permission to state in Parliament the substance of No. 84 and the communications made to Colonel Allen referred to; states that it is imperative that an early pronouncement of naval policy should be made in Parliament, and his Ministers, therefore, anxiously await a reply to No. 82; and enquires whether No. 78 in any way alters the position as set forth in No. 70.	45

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
88	To the Governor ...	New Zealand, Telegram, Secret.	October 2	States that No. 82 is answered in part by No. 84, and communicates a statement from the Admiralty explaining the reasons for which it is not now possible to despatch to New Zealand waters cruisers of the "Bristol" type and that should the New Zealand Government still press for the despatch of "Bristol" cruisers the Imperial Government must at once consider both the financial and the other aspects of the question.	45
89	To Admiralty ...	New Zealand.	October 3	Transmits copies of Nos. 87 and 88 ...	46
90	Admiralty ...	New Zealand, Secret.	October 7	Forwards a draft of a telegram in reply to No. 87.	46
91	To Admiralty ...	—	October 7	Requests that the terms of a telegram indicating briefly the general lines of the reply which is being sent by post to No. 74 may be suggested.	46
92	To the Governor ...	New Zealand, Telegram, Secret.	October 8	States, in reply to No. 87, that the Admiralty have no objection to a statement being made in Parliament in general terms, and this statement might also include the substance of No. 88; observes that they, however, desire to know what part of the correspondence with Colonel Allen it is proposed to publish, and adds that Nos. 84 and 88 summarised all the material points in No. 78, which does not alter in any material way the position as set forth in No. 70.	47
93	Admiralty ...	—	October 15	Encloses, in reply to No. 91, a draft of a telegraphic reply to the Governor-General; considers that it would be inexpedient to resist any request made by the Dominions for a conference and that such a conference would have beneficial results; points out an error in No. 86 and requests that it may be returned by the Dominions unopened, and the enclosed amended letter sent in lieu by the next mail.	47
94	Ditto ...	Confidential.	October 15	Submits a statement, in reply to No. 76, of the reasons which have led the Admiralty to defer any attempt to reconstitute the China and East Indies Squadrons in strict accordance with the understanding arrived at in 1903.	47
95	To the Governor ...	New Zealand, Secret.	October 17	Transmits copies of Nos. 75 and 94 ...	50
96	To the Governor-General.	Australia, Secret.	October 17	Transmits a copy of No. 94 ...	50
97	Ditto ...	Australia, Telegram, Secret.	October 17	Communicates the substance of No. 94 and states that if, after consideration of this statement, his Ministers still consider a conference desirable, His Majesty's Government will be glad to welcome a visit of their representatives.	50

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
98	To Admiralty ...	—	October 18	Transmits copies of Nos. 95, 96, and 97, and adds that the return of the secret despatches of 7th October has been requested.	51
99*	To the Governor-General.	Australia, Confidential.	November 21	Observes from the Parliamentary Debates of Australia that the Prime Minister stated that the Commonwealth Government had requested the Imperial Government to convene a Conference of the Dominions and the United Kingdom; states that such a request from his present Ministers cannot be traced; and enquires on what occasion it was made.	51
III—IMPERIAL GENERAL STAFF.					
100	The Governor-General.	Union of South Africa, Telegram, Confidential.	February 1 (Rec. Feb. 1.)	States that the General Officer Commanding-in-Chief approves of the Ministers' minute proposing to send further reports and information to the local section of the General Staff for transmission to the War Office, but considers, for reasons stated, that this proposal is open to objection and prefers the continuance of the existing practice; adds that he sees no objection to direct communication between the Union Government and the Dominions.	52
101	War Office ...	Confidential.	February 6	Indicates the questions affecting the working of the "Dominion Section" at the War Office upon which it is advisable to arrange for agreement with the Commonwealth Government.	52
102	To War Office ...	Union of South Africa.	February 12	Transmits a copy of No. 100; considers that correspondence on military matters should continue to be transmitted to the Army Council through the Governor-General, and proposes to inform the Governor-General that communications between Dominion Governments should pass through the Governor-General.	54
103	The Governor-General.	Union of South Africa, 67	February 3 (Rec. Feb. 22.)	Transmits, with reference to Nos. 44 and 100, a copy of a letter from the General Officer Commanding-in-Chief expressing agreement with the procedure suggested by Ministers as to the channel of communication.	54
104	To the Governor-General.	Australia, 143.	February 28	Forwards extract from No. 101; requests Ministers' views with regard to the question of the channel of correspondence, and states that, pending a settlement of this question, it is proposed that officers of the Dominions Section may be used as the channel of correspondence.	55
105	To the Governor-General and Governor.	Canada, 162; New Zealand, 90.	February 28	Transmits copies of No. 104 and the despatch to which it replies, and enquires whether Ministers desire that similar rules to those laid down in the Governor-General of Australia's despatch, as modified by the War Office letter, should be adopted for their representatives at the War Office.	55

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1913.		
106	War Office ...	Union of South Africa.	March 5	States that the Army Council have no objection to correspondence on other than technical and routine matters being transmitted to them through the Governor-General; and leaves the settlement of the question of the channel of communication between the Union Government and other Governments to the Secretary of State and the Governments concerned.	56
107	To the Governor-General.	Union of South Africa, 111.	March 12	States that, while matters of a technical and routine nature may be dealt with by communication between the Union General Staff and the local Imperial General Staff, it is desirable that military matters should be transmitted through the Governor-General and the Secretary of State, and that all communications between Government and Government, not merely departmental or routine correspondence, should pass through the Governor-General.	56
108	Ditto ..	Union of South Africa, Confidential, 2.	March 12	Acknowledges the receipt of No. 100 and refers him to No. 107.	57
109	The Acting Governor-General.	Canada, 255.	April 12 (Rec. April 23.)	Forwards a copy of a letter from the Department of Militia and Defence conveying the views on No. 105 respecting the position of the representatives of Dominions on the Imperial General Staff.	57
110	The Governor ...	New Zealand, 77.	May 15 (Rec. June 23.)	Transmits a copy of a memorandum from the Prime Minister expressing views on No. 101 regarding the status of Dominions representatives at the War Office.	58
111	The Governor-General.	Australia, 231.	October 1 (Rec. Nov. 3.)	Reports that the Prime Minister states that the opinion expressed in No. 101 entirely accords with the spirit in which the local instructions were conceived, and he suggests that a copy of No. 101 should be attached to the instructions as correctly interpreting the intention underlying the proposals regarding the question of dual responsibility: Ministers express willingness to defray the travelling expenses incurred by Dominion representatives, and concur in certain amendments proposed by the Army Council in the memorandum of the Acting Chief of the Commonwealth Section of the Imperial General Staff.	59
112	To War Office ...	—	November 12	Transmits a copy of No. 111 ...	60
113	To the Governor-General.	Australia, 688.	November 13	States that a copy of No. 111 has been communicated to the Army Council, and encloses copies of Nos. 109, 110, and 105.	60

CORRESPONDENCE

RELATING TO

NAVAL AND MILITARY DEFENCE.

I.—Status of Dominions Navies.

1678

No. 1.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 8.]

Downing Street, 20 January, 1913.

SIR,

WITH reference to the letter from this Department of the 27th ultimo,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a Bill† which has been introduced into the Parliament of the Commonwealth of Australia, entitled "A Bill for an Act to amend the Naval Defence Act 1910-1911."

2. Mr. Harcourt would be glad to receive any observations which their Lordships may desire to offer on this Bill.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

3211

No. 2.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 28 January, 1913.)

[Answered by No. 5.]

Admiralty, 27th January, 1913.

SIR,

WITH reference to your letter of the 20th June last, No. 15632,‡ last paragraph, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter which has been addressed to the Foreign Office, with enclosure, relative to the status of ships of the Royal Australian Navy.

I am, &c.,

W. GRAHAM GREENE.

Enclosure in No. 2.

Admiralty, S.W., 27th January, 1913.

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that H.M.A.S. "Melbourne" is very shortly leaving this country for Australia. She has been commissioned, by order of the Commonwealth Government, as a ship of the Royal

* L.F. transmitting copy of No. 84 in Dominions No. 46.

† Not reprinted.

‡ Not printed.

Australian Navy, and her status is governed by the agreement come to with the Dominion of Canada and the Commonwealth of Australia at the Imperial Conference of 1911 (Cd. 5746-2).

2. Although in the ordinary course during her passage out she will call at none but British ports (with the exception of the Suez Canal), it appears desirable that the issue of a notification to foreign Governments which (as Sir Edward Grey is aware) has been contemplated for some time past, should no longer be delayed. Owing, however, to the existing uncertainty as regards the future Canadian naval policy, it seems inadvisable to include any explicit reference to the Canadian Navy in this notification.

3. A memorandum is accordingly attached which might, if Sir Edward Grey has no objection, at once be circulated to foreign Powers. It is in a form agreed upon with the Colonial Office, with the references to Canada omitted. If any Canadian ships remain in commission on the same basis as at present, the memorandum would be equally applicable to them, and a further circular explaining this may eventually be called for.

I am, &c.,
W. GRAHAM GREENE.

The Under-Secretary of State,
Foreign Office.

MEMORANDUM FOR CIRCULATION BY THE FOREIGN OFFICE.

Royal Australian Navy.

The naval forces of the Commonwealth of Australia have now reached a state of development at which it is desirable to regulate certain matters of ceremonial which affect their dealings with foreign men-of-war. With this object the following particulars are communicated to foreign Governments:—

The ships of the Commonwealth are shown at pages 398a and 398c of the Navy List.

These ships will fly the white ensign at the stern as the symbol of authority of the Crown, and at the jackstaff the distinctive flag of the Dominion. They will be entitled "His Majesty's Australian Ships of War," and as regards the exchange of visits, salutes, and international relations will be on the same footing as ships of the Imperial Navy, and will be governed by the procedure in Articles 76 to 82 and 91 to 96 of the King's Regulations and Admiralty Instructions.

The usual notice will be given by the British Foreign Office on any occasion when it is desired that Australian ships of war shall visit a foreign port.

Officers of the Australian Navy will rank with officers of the Imperial Navy according to their seniority, as determined by the dates of their Commissions.

3375

No. 3.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 a.m., 29th January, 1913.)

TELEGRAM.

[Copy to Admiralty, 30 January, 1913. L.F.]

[Answered by No. 7.]

Your despatch of 22nd June, No. 265.* Naval Defence Act, 1912, applies Naval Discipline Act, Dominion Naval Forces, 1911, to naval forces of the Commonwealth. It is proposed now issue instructions (to) naval forces of the Commonwealth on lines of memorandum enclosed in your despatch of 22nd June.—DENMAN.

* No. 48 in Dominions No. 46.

4226

No. 4.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 5 February, 1913.)

[Answered by L.F. transmitting a copy of No. 7.]

SIR, Admiralty, 4th February, 1913.
With reference to your letter, No. 3375, of the 30th ultimo,* I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they see no objection to the Commonwealth Government issuing instructions respecting disciplinary arrangements in the Royal Navy and Dominion Naval Forces on the lines of those enclosed in Colonial Office despatch, No. 265, of 22nd June.† The Commander-in-Chief on the Australian Station is being directed by telegraph to issue similar instructions forthwith, arranging date with Commonwealth Government.

I am, &c.,
W. GRAHAM GREENE.

3211

No. 5.

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 4 February, 1913.
I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th January‡ transmitting copy of a letter addressed to the Foreign Office on the subject of the status of ships of the Royal Australian Navy.
2. In reply, I am to request you to inform the Lords Commissioners of the Admiralty that Mr. Harcourt concurs in the terms of the letter which has been addressed to the Foreign Office, except as regards the omission of reference to Canada. I am, in the first place, to point out that the arrangement of 1911, published to Parliament in [Cd. 5746-2], was an arrangement which applied equally to Canada and to the Commonwealth of Australia, and that, therefore, it is not desirable that any difference should be made between the Dominion and the Commonwealth in this respect. In the second place the Lords Commissioners will remember that the Canadian Government already possess two men-of-war, the "Niobe" and the "Rainbow," as well as some minor vessels. It is understood that the "Niobe" is again ready to proceed to sea and the "Rainbow" is employed on the fisheries protection service on the west coast of Canada, and has made captures of American vessels trespassing in Canadian waters. Moreover, the Canadian vessels as well as the vessels of the Australian Squadron fly the white ensign at the stern as the symbol of the authority of the Crown.

3. In these circumstances Mr. Harcourt is of opinion that the notification to be made to foreign Governments should extend also to the Canadian vessels, unless objection to this course has been signified by the Canadian Government, and he will be glad to learn that their Lordships concur in this view.

4. A copy of this letter has been sent to the Foreign Office.

I am, &c.,
H. J. READ,
for the Under-Secretary of State.

3211

No. 6.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 9.]

SIR, Downing Street, 4 February, 1913
With reference to the letter from this Office of the 16th November, 1911,§ on the subject of the status of vessels of the Royal Canadian Navy and the Royal

* L.F. transmitting copy of No. 3.
† No. 2.

‡ No. 48 in Dominions No. 46.
§ No. 30 in Dominions No. 46.

Australian Navy, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of correspondence* with the Admiralty on the subject of the notification to foreign Governments of the position of these vessels.

I am, &c.,
H. J. READ,
for the Under-Secretary of State.

4226

No. 7.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 5th February, 1913.)

TELEGRAM.

[Copy to Admiralty, 7 February, 1913. L.F.]

Your telegram 29th January,† Admiralty concur in proposed issue of instructions, and Commander-in-Chief, Australian Station, is being instructed to issue similar instructions forthwith arranging date with Commonwealth Government.—HARCOURT.

4862

No. 8.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 10 February, 1913.)

[Answered by No. 11.]

SIR, Admiralty, 8th February, 1913.
WITH reference to your letter, No. 1673, of the 20th ultimo,‡ I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they do not desire to offer any observations on the draft Bill prepared by the Commonwealth Government to amend the Naval Defence Act, 1910-11. So far as they are advised, it appears to their Lordships adequate for the purpose of removing doubts as to the application of the Naval Discipline (Dominion Naval Forces) Act of 1911 to the Naval Forces and ships of the Commonwealth of Australia.

2. My Lords assume from the terms of the telegram from the Governor-General, dated 29th January,† enclosed in your letter, No. 3375, of 30th idem,§ that the Bill has now been passed by the Commonwealth Parliament.

I am, &c.,
W. GRAHAM GREENE.

5324

No. 9.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15 February, 1913.)

[Answered by No. 10.]

SIR, Foreign Office, February 14th, 1913.
I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, No. 3211, of the 4th instant,|| respecting a proposed notification to foreign Governments in regard to the status of vessels of the Royal Canadian Navy and the Royal Australian Navy.

* Nos. 2 and 5.

† No. 3.

‡ No. 1.

§ L.F.

|| No. 6.

I am to state in reply that Sir E. Grey is disposed to doubt whether any such step is necessary, in view of the fact that these vessels will, in all cases, fly the white ensign at the stern as the symbol of the authority of the Crown. As at present advised he agrees with the view expressed in the letter from the Colonial Office to the Admiralty of November 2nd, 1911 (No. 22605),* and is not aware what considerations have led to the abandonment of that view by the Secretary of State for the Colonies. He is, moreover, inclined to think that a notification such as is suggested might possibly lead to the raising of questions of international law which might better be allowed to rest.

Sir E. Grey is therefore of opinion that any notification as to the status of the Dominion warships might be deferred until an enquiry on the subject is made by some foreign Government. He would, however, be glad to receive any observations which Mr. Secretary Harcourt may wish to offer on the subject.

A similar letter has been addressed to the Admiralty.

I am, &c.,
EYRE A. CROWE.

5324

No. 10.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Admiralty, 21 February, 1913. L.F.]

SIR, Downing Street, 21 February, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 14th February,† on the subject of the proposed notification to foreign Governments with regard to the status of the vessels of the Royal Canadian Navy and the Royal Australian Navy.

2. In reply I am to request you to inform Secretary Sir Edward Grey that Mr. Harcourt remains of the opinion expressed in the letter from this Office to the Admiralty of the 2nd November, 1911,* viz.:—That as the ships of each Fleet will hoist at the stern the white ensign as the symbol of the authority of the Crown, these vessels will be entitled, as a matter of course, to be regarded by foreign Powers as holding the status of His Majesty's ships of war.

3. The Lords Commissioners appearing, however, to attach importance to the notification to foreign Powers of the status of these vessels, Mr. Harcourt was prepared to waive his own views on the subject. If Sir E. Grey considers that such notification might possibly lead to the raising of difficult questions of international law, the suggestion that a notification should be made need not, so far as Mr. Harcourt is concerned, be pursued.

4. Should, however, it be decided to make any notification, Mr. Harcourt considers that it should not be confined to vessels of the Australian Navy alone.

5. A copy of this letter is being forwarded to the Admiralty.

I am, &c.,
H. W. JUST.

4862

No. 11.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 24 February, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th February,‡ on the subject of the Commonwealth Bill to amend the Naval Defences Act, 1910-11.

2. The Bill has now become law, and copies of the Act will be communicated to you as soon as they are received.

3. Mr. Harcourt felt some doubt whether the wording of Clause 3 of the Bill was sufficient to comply with the requirements of Section 1 (2) of the Naval Discipline (Dominion Naval Forces) Act, 1911, which provides that the Act shall not

* No. 27 in Dominions No. 46.

† No. 9.

‡ No. 8.

come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless or until provision to that effect has been made in the Dominion. This doubt was based on the fact that Section 36 of the Commonwealth Naval Defence Act, 1910 (No. 30 of 1910), applies the Naval Discipline Act, &c., to the Naval forces of the Commonwealth not unconditionally, but subject to the Act and to any modifications and adaptations prescribed by the regulations, and that it therefore seemed open to argument whether the effect of the enactment of the Bill would not be to render the application of the Imperial Act of 1911 a conditional one only.

4. In view, however, of the terms of your letter under acknowledgment, Mr. Harcourt proposes, when the Act is formally submitted for the signification of His Majesty's pleasure, to inform the Governor-General of the Commonwealth that His Majesty will not be advised to exercise his power of disallowance with regard to it.

I am, &c.,
H. W. JUST.

8419

No. 12.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.50 a.m., 11th March, 1913.)

TELEGRAM.

[Answered by No. 18.]

(Paraphrase.)

I have been asked by my Prime Minister whether all foreign Powers have been informed of the status of the Australian warships.—DENMAN.

8419

No. 13.

AUSTRALIA.

COLONIAL OFFICE to FOREIGN OFFICE AND ADMIRALTY.

[Answered by Nos. 15 and 14.]

SIR,

Downing Street, 12 March, 1913.

WITH reference to the letter from this Department of the 21st February.* I am directed by Mr. Secretary Harcourt to request you to inform [Secretary Sir Edward Grey] [the Lords Commissioners of the Admiralty] that a telegram† has been received from the Governor-General of the Commonwealth of Australia, enquiring whether all foreign Powers have been informed of the status of Australian warships.

2. Mr. Harcourt proposes, with the concurrence of [Sir Edward Grey] [the Lords Commissioners], to inform the Governor-General that, as the ships will fly the white ensign as a symbol of the authority of the Crown, His Majesty's Government consider it unnecessary to make any formal notification to foreign Governments as to their status.

3. A similar letter has been addressed to the [Admiralty] [Foreign Office].

I am, &c.,
H. W. JUST.

* No. 10 and L.F. transmitting it to Admiralty.

† No. 12.

8753

No. 14.

ADMIRALTY to COLONIAL OFFICE.

(Received 15 March, 1913.)

SIR,

Admiralty, S.W., 14th March, 1913.

WITH reference to your letter, No. 8419/13, undated,* received yesterday, respecting the status of the Royal Canadian and Australian Navies, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies that, in deference to his views and those of the Secretary of State for Foreign Affairs, they will not press for the issue of any notification on the subject to foreign Governments, provided that it is found that no difficulty does in fact arise.

I am, &c.,
W. GRAHAM GREENE.

9206

No. 15.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 19 March, 1913.)

The Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a letter to the Admiralty, dated March 15th, respecting the status of vessels of Colonial navies.

Reference to previous letter: Colonial Office, March 12th, 8419/13.*

Foreign Office,

March 18, 1913.

Enclosure in No. 15.

SIR,

Foreign Office, March 15th, 1913.

I AM directed by Secretary Sir E. Grey to state that a letter has been received from the Colonial Office (No. 8419/13) dated the 12th instant, proposing to inform the Governor-General of the Commonwealth of Australia, in answer to an enquiry made by His Excellency, that as Australian warships will fly the white ensign as a symbol of the authority of the Crown His Majesty's Government consider it unnecessary to make any formal communication to foreign Governments as to their status. Sir E. Grey is informed that a similar letter has been addressed to the Admiralty.

As the Lords Commissioners of the Admiralty are aware, Sir E. Grey is of opinion that any communication to foreign Governments as to the status of colonial warships is unnecessary and, indeed, undesirable. He would, however, prefer to substitute for the communication proposed by the Secretary of State for the Colonies to the Governor-General the following wording: "His Majesty's Government consider it undesirable, by making such a notification as has been suggested, to provoke a discussion with foreign Governments as to the status of particular branches of forces of the Crown, which is not an international but a purely imperial question, and does not in any way concern foreign States."

Sir E. Grey would be glad learn at their earliest convenience whether the Lords Commissioners of the Admiralty concur in this proposal.

I am, &c.,
EYRE A. CROWE.

The Secretary
to the Admiralty.

* No. 13.

10297

No. 16.

ADMIRALTY to COLONIAL OFFICE.

(Received 28 March, 1913.)

[Copy to Governor-General, 8 April, 1913. Miscellaneous. L.F.]

SIR,

Admiralty, 27th March, 1913.

WITH reference to your letter of the 10th September last, No. 27882/1912,* forwarding a copy of a letter from the Department of External Affairs of Canada relative to the flags flown by Government vessels in the Colonies, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that the contention of the Canadian Government as to the discrepancy between Article 122 of the King's Regulations and Admiralty Instructions and the terms of Colonial Office despatch, No. 167, of the 16th December, 1865,† is correct.

2. It was the original intention in 1865, when the Article referred to was framed, to provide—

- (1) that all vessels belonging to Colonial Governments provided and used under Section 3 of the Colonial Naval Defence Act, 1865, should wear the blue ensign of His Majesty's Fleet, with the seal or badge of the Colony in the fly, and a blue pendant;
- (2) that all vessels belonging to, or permanently in the service of, Colonial Governments, but not commissioned as vessels of war under that Act, should wear a similar ensign, but without the pendant.

Owing, apparently, to an oversight at the time the Article was framed in its present terms.

3. My Lords have already had this discrepancy under their notice, and steps are now being taken to amend Article 122 so as to accord with the intention of the Board of Admiralty in 1865, and also to include the special provision relative to the flags to be flown by ships of the Canadian and Australian Naval Forces contained in the Agreement arrived at with the representatives of those Dominions at the Imperial Conference of 1911.

I am, &c.,
O. MURRAY.

10603

No. 17.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 31 March, 1913.)

[Answered by L.F. transmitting copy of No. 18.]

SIR,

Foreign Office, March 29th, 1913.

WITH reference to the letter from this Office of the 18th instant,‡ I am directed by Secretary Sir E. Grey to transmit herewith a copy of a letter from the Admiralty respecting the status of vessels of the Royal Australian Navy.

It will be seen that the Lords Commissioners of the Admiralty prefer the wording of the communication to the Governor-General of the Commonwealth originally proposed by the Secretary of State for the Colonies to that suggested in the letter to the Admiralty of the 15th instant.§

In view of the considerations put forward by their Lordships, I am to state, for the information of Mr. Secretary Harcourt, that Sir E. Grey concurs in the terms of the reply to the Governor-General proposed in your letter of the 12th instant.||

I am, &c.,
LOUIS MALLET.

* No. 58a in Dominions No. 46.
† No. 15.

‡ See enclosure in No. 58a in Dominions No. 46.
§ Enclosure in No. 15.

|| No. 13.

Enclosure in No. 17.

SIR,

Admiralty, 22nd March, 1913.

IN reply to your letter of the 15th instant, relative to the status of Dominion ships of war, I am commanded by my Lords Commissioners of the Admiralty to request that you will represent to the Secretary of State for Foreign Affairs that they prefer the wording of the communication to the Governor-General originally proposed by the Secretary of State for the Colonies to that which Sir E. Grey proposes to substitute for it. My Lords think that the latter form of words might provoke a discussion with the Commonwealth Government as to the extent of Imperial control, and they would deprecate the raising of any such question without adequate cause.

It appears to my Lords that the communication proposed by the Colonial Office sufficiently conveys the view expressed in Foreign Office letter of the 14th ultimo, to which they have already deferred.

I am, &c.,
O. MURRAY.

The Under-Secretary of State,
Foreign Office.

10603

No. 18.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 1st April, 1913.)

TELEGRAM.

[Copies to Foreign Office and Admiralty, 3 April, 1913. L.F.]

Your telegram 11th March.* As His Majesty's Australian ships will fly white ensign as symbol of authority of Crown, His Majesty's Government consider it unnecessary to make any formal notification to foreign Governments as to their status.—HARCOURT.

11617

No. 19.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7 April, 1913.)

[Answered by No. 24.]

(Secret.)

Governor-General's Office,

Melbourne, 22nd February, 1913.

SIR,

REFERRING to your secret despatch dated 6th December, 1912,† covering copy of correspondence with the Admiralty on the subject of the procedure for placing under the control of the Admiralty the Naval Service of the Commonwealth in time of emergency or war, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in the procedure suggested by their Lordships in their letter dated 18th November, 1912,‡ except as regards paragraphs (a) and (b), in respect of which it is preferred that the paragraphs in question should remain as proposed by the Commonwealth Government, with the exception of the reference in paragraph (a) to the Commonwealth Naval Representative, viz. :—

"(a) War Orders for the employment of H.M.A. ships to be drawn up by the Admiralty, the Naval Representative of the Naval Board being consulted as necessary, and to be then communicated by the Admiralty to the Commonwealth Government."

* No. 12.

† No. 83 in Dominions No. 46.

‡ No. 76 in Dominions No. 46.

"(b)" The Commonwealth Government, through the Naval Board, to take such steps as may be necessary to communicate such orders to officers commanding H.M.A. ships and other officers concerned."

2. Every care would be taken to preserve the secrecy of communications on this matter, and to obviate delay.

I am, &c.,
DENMAN,
Governor-General.

11617

No. 20.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 23.]

(Confidential.)

Sir,

Downing Street, 12 April, 1913.

WITH reference to the letter from this Office of the 6th of December last,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia, on the subject of the procedure for placing under the control of the Admiralty in time of emergency or war the Naval Service of the Commonwealth.

2. Their Lordships will observe that the Commonwealth Government, as was anticipated in the letter from this Office of the 22nd of November last,‡ prefer that the war orders should be communicated through the Commonwealth Government to the Naval Board and not direct from the Admiralty to the Board, and Mr. Harcourt presumes that their Lordships will comply with the wishes of the Commonwealth Government in this matter. As the information is to be sent to the Commonwealth Government, it must, of course, pass through the Secretary of State for the Colonies and the Governor-General of the Commonwealth, and their Lordships will observe that the Commonwealth Government have given an undertaking that every care will be taken to preserve the secrecy of communications in this matter and to obviate delay.

I am, &c.,
JOHN ANDERSON.

14626

No. 21.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.35 a.m., 30th April, 1913.)

TELEGRAM.

Your despatch, 17th August, Confidential.§ With regard to form of commission of naval officers, would be glad to know whether Order in Council referred to in paragraph 8 of Admiralty memorandum, enclosure in your despatch, has been passed yet.—DENMAN.

14626

No. 22.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

Sir,

Downing Street, 5 May, 1913.

WITH reference to the letter from this Office of the 11th December last,|| I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a telegram¶ from the

* No. 82 in Dominions No. 46. † No. 19. ‡ No. 77 in Dominions No. 46.
§ No. 54 in Dominions No. 46. || L.F. transmitting copy of No. 78 in Dominions No. 46.
¶ No. 21.

Governor-General of the Commonwealth of Australia enquiring whether the Order in Council with regard to the proposed new form of naval commission has yet been passed.

2. No reply has yet been received from the Government of Canada with regard to the proposed new form of commission, and Mr. Harcourt apprehends that, in the present state of politics in the Dominion, it is not likely that any answer can be expected at an early date.

3. In these circumstances Mr. Harcourt will be glad to learn whether an Order in Council might not be passed for the special purposes of the Commonwealth of Australia only, and, if their Lordships concur in this proposal, he would be glad to receive a draft of the Order before it is submitted to His Majesty in Council.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

16550

No. 23.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 16 May, 1913.)

[Answered by L.F. transmitting copy of No. 24.]

(Secret.)

Sir,

Admiralty, S.W., 15th May, 1913.

I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 12th April (No. 11617),* forwarding a despatch from the Governor-General of Australia, in which he states that the Commonwealth Government concur in the proposed procedure for the transmission of war orders, except that the channel of communication, in the first instance, should be through the Governor-General and not direct to the Navy Board.

2. In reply, I am desired by my Lords to inform you, for the information of the Secretary of State, that they are desirous of meeting the wishes of the Commonwealth Government in this matter, but as they are not quite certain as to the exact interpretation to be placed upon the paragraphs (a) and (b) of the procedure as recited in the Governor-General's despatch, they think it desirable, in order to prevent misunderstanding, to state fully how they propose to act in accordance therewith.

3. My Lords understand that the intention is that, when the Commonwealth Government have placed the Australian Naval Service under the control of the Admiralty, the Commonwealth Naval Board should be, in relation to the Admiralty, in the same position as a Commander-in-Chief on shore, and the Australian sea-going fleet in the same position as a squadron of the Royal Navy; from this it follows that:—

(a) *In war*, orders will pass from the Admiralty to the Naval Board direct, and from the Admiralty to the Commanding Officers of His Majesty's Australian ships either direct or through the Senior Officer under whose orders they are at the time;

(b) *in peace*, it is desirable to prepare for war by transmitting to the Naval Board and His Majesty's Australian ships the initial war orders. These are dormant orders, intended to become operative only at a time when such orders, if not pre-arranged, would pass direct to the officers concerned (see (a) above). Consequently, it is proper that these war orders, through whatever hands transmitted, should be addressed in the same manner. The orders have accordingly been made out in the name and by the authority of the Board of Admiralty, and signed by their Secretary. They are addressed to the Naval Board, to the Flag Officer Commanding His Majesty's Australian ships, and to the Commanding Officers of His Majesty's Australian ships (other than destroyers); the Naval Board receiving two complete sets of the orders, one for retention and one for transmission (sealed) by the Board to the officers concerned.

4. These orders, with a covering letter to the Secretary of the Naval Board, are forwarded under flying seal, through the Secretary of State for the Colonies, to the Governor-General of Australia, for transmission in the usual official course to the Minister of Defence (i.e., the Naval Board), thus securing that the Commonwealth Government, if and when they decide to place the Australian Naval Service under the control of the Admiralty, may be aware of the immediate results which will follow from that decision.

5. The war orders which have been prepared for the Flag Officer Commanding and for the Commanding Officers of the ships concerned should be issued to the Commanding Officers by the Naval Board (sealed) and accompanied by directions from the Board that until the Commanding Officers receive instructions from them to open the orders they are to remain sealed and inoperative, but that as soon as such instructions are received the commanding officers are to act upon the war orders forthwith, and thereafter to follow the directions of the Admiralty or the Flag Officers to whose commands they are attached by those orders.

6. It will be desirable that the Flag Officer Commanding the Australian Fleet should be acquainted by the Naval Board with the whole of the contents of these war orders, although, if his flag is flown in His Majesty's Australian ship "Encounter" as here contemplated, his direct responsibility for their execution will not extend beyond the movements of the two light cruisers remaining under his flag.

7. My Lords believe that the Commonwealth Government will appreciate the reasons for the procedure here adopted. The nature of naval organisation, especially under war conditions, renders it of paramount importance that there should be no obscurity as to the persons by whom, and the authority by which, orders are given, and my Lords have acted on the understanding that the moment the Australian Government have decided to place their ships at the disposal of the Admiralty the Flag Officer Commanding and the commanding officers of the ships required for general service will immediately receive the necessary instructions from the Naval Board, and thenceforth the officers and ships will come under the immediate directions of their Lordships, the first orders from them being the sealed orders held in abeyance until the occasion should arise necessitating action being taken on them. From that time forward it will be impracticable that communications with the Naval Board and the Australian ships should pass through the official channels customary in time of peace, and the Admiralty will be in direct communication with them in the same manner as with naval establishments and ships of the Royal Navy.

8. In accordance with this arrangement I am to forward herewith the war orders* which have been prepared for the emergency in contemplation, and which have been seen by, and have received the concurrence of, the naval representative of the Commonwealth in London.

9. I am to request that the receipt of this letter may be acknowledged, and also that the receipt of the war orders by the Naval Board and by the ships concerned may be acknowledged by cypher telegram.

I am, &c.,

W. GRAHAM GREENE.

18550

No. 24.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 16 May, 1913. L.F.]

(Secret.)

My Lord,

Downing Street, 16 May, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's Secret despatch of the 22nd of February,† on the subject of the procedure for placing under the control of the Admiralty the naval services of the Commonwealth in time of emergency or war.

* Not printed: sent to the Commonwealth Government in original.

† No. 19.

2. I duly communicated your despatch to the Lords Commissioners of the Admiralty, and I have now to transmit to you, to be laid before your Ministers, the accompanying copy of a letter* from the Admiralty in which their Lordships explain the exact procedure which will be adopted with regard to the transmission of war orders, and forward the orders which have been prepared for use in the event of the Australian Naval Services being placed by the Government of the Commonwealth under the control of the Admiralty in time of war.

I have, &c.,

L. HARCOURT.

17311

No. 25.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 22 May, 1913.)

Admiralty, 21st May, 1913.

SIR,

WITH reference to your letter of the 14th instant, No. 7136/1913,† relative to the Naval Discipline Act, 1912, of the Commonwealth of Australia, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that they concur in the proposal to inform the Governor-General of the Commonwealth that His Majesty will not be advised to exercise his power of disallowance with respect to this Act.

I am, &c.,

O. MURRAY.

17311

No. 26.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 331.)

Downing Street, 6 June, 1913.

My Lord,

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 13, of the 23rd of January,† and to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to Act No. 21 of 1912 of the Parliament of the Commonwealth of Australia, entitled "An Act to amend the Naval Defence Act, 1910-1911."

I have, &c.,

L. HARCOURT.

27910

No. 27.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 19th August, 1913. L.F.]

(No. 476.)

Downing Street, 15 August, 1913.

My Lord,

WITH reference to previous correspondence regarding the relations between the Royal Navy and the Royal Australian Navy, I have the honour to request Your Excellency to inform your Ministers that, as instructions have already been given both by the Commonwealth Government and by the Lords Commissioners of the Admiralty for the carrying out of regulations based upon the Naval Discipline (Dominion Naval Forces) Act, 1911, their Lordships have considered it desirable to give Imperial validity to these regulations by the passing of the Order in Council contemplated by the Act in question.

* No. 23.

† 7136: not printed.

2. The Order was accordingly submitted to His Majesty in Council on the 12th of August, and I enclose copies of the Memorial laid before, and approved by, His Majesty in Council.

3. It will be seen that the Order is to come into effect as regards the Commonwealth of Australia on a date to be fixed by the Governor-General in Council, and I shall be glad to receive in due course a notification of the date fixed by your Government.

4. Printed copies of the Order in Council will be sent to you as soon as possible.

I have, &c.,
L. HARCOURT.

Enclosure in No. 27.

MEMORIAL.

MAY IT PLEASE YOUR MAJESTY,

[See enclosure in No. 28.]

Which is nevertheless most humbly submitted.

Admiralty,
11th August, 1913.

31541

No. 28.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 726.)
(New Zealand. No. 364.)

(Union of South Africa. No. 395.)
(Newfoundland. No. 249.)

[SIR,
MY LORD.]

Downing Street, 24th September, 1913.

WITH reference to my despatch, No. (10), (4), (7), (5), of the 6th of January, 1912,* I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of an Order made by His Majesty in Council on the 12th of August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911.

I have, &c.,
L. HARCOURT.

Enclosure in No. 28.

AT THE COURT AT BUCKINGHAM PALACE,

The 12th day of August, 1913.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 11th of August, 1913, in the words following, viz. :—

"Whereas it is provided by the Naval Discipline (Dominion Naval Forces) Act, 1911, that where in any self-governing Dominion as defined by the said Act provision has been made (either before or after the passing of the said Act) for the application to the Naval Forces raised by the Dominion of the Naval Discipline Act, 1866, as amended by any subsequent enactment the last-mentioned Act as so amended shall have effect as if references therein to His Majesty's Navy and His Majesty's ships included the forces and ships

* Nos. 39 and 40 in Dominions No. 46.

raised and provided by the Dominion subject however in the application of the last-mentioned Act as so amended to the forces and ships of His Majesty's Navy not raised and provided by a self-governing Dominion (hereinafter called the Royal Navy) to such modifications and adaptations as may be made by His Majesty in Council for the purpose of regulating the relations of the last-mentioned forces and ships to the forces and ships raised and provided by the self-governing Dominions or any of them :

"And whereas it is also provided by the Naval Discipline (Dominion Naval Forces) Act, 1911, that the said Act now in recital shall not come into operation in relation to the forces or ships raised and provided by any self-governing Dominion unless or until provision to that effect has been made in the Dominion :

"And whereas Your Majesty has been graciously pleased to sanction the provision and maintenance of a Naval Force by the Commonwealth of Australia :

"And whereas provision has been made by the Commonwealth of Australia for the application to the naval forces raised by the said Commonwealth of the Naval Discipline Act, 1866, as amended by any subsequent enactment and of the Regulations for the government of the Royal Navy as regards disciplinary matters for the time being in force and also for the bringing into operation in relation to the forces and ships raised and provided by the said Commonwealth of the Naval Discipline (Dominion Naval Forces) Act, 1911 :

"And whereas other self-governing Dominions within the meaning of the Naval Discipline (Dominion Naval Forces) Act, 1911, may hereafter make provision for bringing the naval forces raised or to be hereafter raised by such Dominions within the operation of the last-mentioned Act :

"And whereas it is desirable in accordance with the recited power given by the Naval Discipline (Dominion Naval Forces) Act, 1911, that in the application of the Naval Discipline Act, 1866, as amended by any subsequent enactment to the Royal Navy the modifications and adaptations hereinafter appearing should be made for the purpose of regulating the relations of the Royal Navy to the naval force of the Commonwealth of Australia and to the naval forces of any other self-governing Dominion which may hereafter make provision for the application to their naval forces of the Naval Discipline (Dominion Naval Forces) Act, 1911, on the provisions hereof being made applicable to such Dominion by Order in Council :

"We beg leave humbly to recommend that when and wheresoever one or more ships of the Royal Navy is or are in company with one or more of His Majesty's ships provided and maintained by the Commonwealth of Australia or by any other self-governing Dominion which shall have made provision for bringing its naval forces within the operation of the Naval Discipline (Dominion Naval Forces) Act, 1911, and to which the provisions hereof have been made applicable by Order in Council then the officers and men borne on the books of such first-mentioned ship or ships shall have the same relation to the officers and men borne on the books of such secondly-mentioned ship or ships and shall in all respects act and perform the same duties as if the officers and men borne on the books of the ship or ships provided by the self-governing Dominion were borne on the books of a ship or ships of the Royal Navy and that the officers of all such ships of the same branch shall respectively rank with each other and command according to the dates of their first commissions warrants or orders in their existing rank and if only acting in the rank according to the seniority of their respective acting appointments and the Naval Discipline Act, 1866, as amended by any subsequent enactment shall apply accordingly.

"And we further beg leave humbly to recommend that whensoever any person thereto duly authorized by the law of the Commonwealth of Australia or of any other such self-governing Dominion as aforesaid for the time being in force shall name any officer of the Royal Navy not below the rank of Captain to act as President of a Court Martial for the trial of any officer or man borne on the books of one of His Majesty's ships provided by such self-governing Dominion such officer shall proceed therein in all respects as if he had been named as President of a Court Martial ordered by the Admiralty or by any officer holding a commission from the Admiralty to order Courts

Martial for the trial of any officer or man borne on the books of a ship of the Royal Navy. And every Judge Advocate or Deputy Judge Advocate or person belonging to the Royal Navy officiating at such Court Martial as Deputy Judge Advocate shall transmit with as much expedition as may be the original proceedings and the original sentence of any Court Martial on an officer or man borne on the books of one of His Majesty's ships provided by any self-governing Dominion attended by him to the Commander-in-Chief or senior officer who shall transmit them to the proper authority of the self-governing Dominion to whose ship the offender belongs, and shall transmit a complete and authenticated copy thereof to the Secretary of the Admiralty for information.

" Provided always and we further beg leave humbly to recommend that the provisions hereof shall not apply to any self-governing Dominion (other than the Commonwealth of Australia) or to the forces or ships thereof unless and until provision has been made in such Dominion for bringing the naval forces of the Dominion within the operation of the Naval Discipline (Dominion Naval Forces) Act, 1911, and unless and until the provisions hereof have been made applicable to such Dominion by Order in Council.

" Provided also and we further beg leave humbly to recommend that as regards the Commonwealth of Australia this Order shall come into operation on such date as may be fixed by the Governor General in Council."

His Majesty having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

ALMERIC FITZROY.

31541

No. 29.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 30.]

SIR,

Downing Street, 24th September, 1913.

WITH reference to your letter of the 29th of August,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of regulations under the Naval Defence Act, 1910-1912, of the Commonwealth, with regard to the application of the Naval Discipline Act to the naval forces of the Commonwealth.

2. Mr. Harcourt proposes, if their Lordships have no observations to offer on the terms of the regulations, to ask the Governor-General to forward copies to the Governments of the other self-governing Dominions.

3. I am, at the same time, to enclose a copy of a despatch† which has been addressed to the self-governing Dominions, other than the Commonwealth of Australia, forwarding copies of the Order in Council of the 12th of August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911.

I am, &c.,
H. W. JUST.

Enclosure in No. 29.

STATUTORY RULES.

1913. No. 207.

Provisional Regulation under the Naval Defence Act 1910-1912.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby certify that, on account of urgency, the following Regulation under the *Naval Defence Act 1910-1912* should come into immediate operation, and make the Regulation to come into operation forthwith as a Provisional Regulation.

* 30153: not printed.

† No. 28.

Statutory Rule 1913, No. 201, made on the fourth day of July, One thousand nine hundred and thirteen, is hereby cancelled.

Dated this sixteenth day of July, One thousand nine hundred and thirteen.

DENMAN,
Governor-General.

By His Excellency's Command,
E. D. MILLEN.

The Regulations for the Naval Forces of the Commonwealth (Statutory Rules 1906, No. 20) are amended by adding thereto in Part IV. thereof the following Regulation:—

Application of Naval Discipline Act.

171a. The Naval Discipline Act (in this Regulation referred to as "the Act") shall apply to the Commonwealth Naval Forces subject to the following adaptations and modifications:—

- (a) All powers and functions vested in and acts authorised or required to be done by the Admiralty, Lords of the Admiralty, or the Commander-in-Chief on a foreign station under Sections 24, 32, 53 (1), 57 (2), 58 (16), 61, 66, 68, 70, 72, 74, 75, 76, 78, 80, 81 (2), and 93 of the Act in relation to the King's Naval Forces shall, in relation to the Commonwealth Naval Forces, be vested in and may be exercised or done by the Naval Board;
- (b) all powers and functions vested in and acts authorized or required to be done by a Secretary of the Admiralty under Sections 21 and 76 of the Act in relation to the King's Naval Forces shall, in relation to the Commonwealth Naval Forces, be vested in and may be exercised or done by the Naval Board, and all powers and functions vested in and acts authorized or required to be done by a Secretary of the Admiralty under Sections 66, 69, and 75 of the Act in relation to the King's Naval Forces shall in relation to the Commonwealth Naval Forces be vested in and may be exercised or done by the Naval Secretary of the Naval Board;
- (c) all powers and functions vested in and acts authorized or required to be done by His Majesty under Section 53 (1) of the Act, or the Admiralty, or the Commander-in-Chief on a foreign station under Sections 53 (3), 58 (9), and 81 (1) of the Act in relation to the King's Naval Forces shall, in relation to the Commonwealth Naval Forces, be vested in and may be exercised or done by the Governor-General;
- (d) Section 1 of the Act shall, in relation to the Commonwealth Naval Forces, apply as if the words "the manner and form for Public Worship adopted for use in the Royal Australian Navy" were inserted in lieu of the words "the liturgy of the Church of England," and as if the words "in Holy Orders" were omitted;
- (e) Sections 45 and 67 of the Act shall, in relation to the Commonwealth Naval Forces, apply as if the word "Australia" were inserted in lieu of the word "England";
- (f) Sections 54, 70, and 80 of the Act shall, in relation to the Commonwealth Naval Forces, apply as if the word "Australia" were inserted in lieu of the words "the United Kingdom";
- (g) Section 57 (1) of the Act shall, in relation to the Commonwealth Naval Forces, apply as if the words "if such subordinate officer belongs to the King's Naval Forces, or by the Naval Board for any time not exceeding twelve months, if such subordinate officer belongs to the Commonwealth Naval Forces" were inserted at the end thereof;
- (h) Section 58 (9) of the Act shall, in relation to the Commonwealth Naval Forces, apply as if the words "the Naval Board or to" were inserted before the words "any officer of His Majesty's Navy on full pay";

- (i) Section 69 of the Act shall, in relation to the Commonwealth Naval Forces, apply as if after the words "the Secretary of the Admiralty for the time being" the words "if the person tried belongs or did belong at the time of the trial to the King's Naval Forces, or if the person tried belongs or did belong at the time of the trial to the Commonwealth Naval Forces to the Naval Secretary of the Naval Board for the time being, and if such court-martial was ordered by an officer of the King's Naval Forces, a complete and authenticated copy thereof shall be transmitted by the Judge Advocate, or Deputy Judge Advocate or person officiating as Deputy Judge Advocate to the Secretary of the Admiralty for the time being" were inserted, and as if the words "three months after the trial if the same took place within the limits of the Australian Naval Station" were inserted in lieu of the words "six months after the trial if the same takes place in the Mediterranean, three months if at any other naval station within Europe."

35853

No. 30.

ADMIRALTY to COLONIAL OFFICE.

(Received 16th October, 1913.)

SIR,

Admiralty, 15th October, 1913.

My Lords Commissioners of the Admiralty have had under their consideration your letter of the 24th ultimo,* forwarding a copy of Statutory Rule No. 207, dated the 16th July, 1913, made by the Government of the Commonwealth of Australia for the application of the Naval Discipline Act to the Naval Forces of the Commonwealth.

2. With reference to the arrangements made in this rule for the disposal of original or duplicate copies of the proceedings at Courts Martial, my Lords would be glad if the Commonwealth Government could be requested, as a temporary measure, to make such arrangements as to provide that proceedings for the trial of an officer of the Royal Navy or Royal Naval Reserve or a Petty Officer or man of the Royal Navy should be forwarded in every case to the Admiralty. It would not appear necessary to alter the Statutory Rules to provide for this being done.

3. I am also to suggest that it would be desirable that the Navy Board, in giving effect to the Statutory Rule, should use terms similar to those employed in the Order in Council of 12th August last, *i.e.*, Royal Navy and Royal Australian Navy, in preference to King's Naval Forces and Commonwealth Naval Forces, the Naval Defence Act, 1910-1912, in applying the Naval Discipline Act to the forces of a self-governing Dominion having provided for the latter to be included in the terms "His Majesty's Navy" and "His Majesty's Ships."

4. Subject to the above consideration, my Lords see no objection to copies of the Regulations being forwarded by the Governor-General to the Governments of the other self-governing Dominions.

I am, &c.,

W. GRAHAM GREENE.

35853

No. 31.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 656.)

MY LORD,

Downing Street, 30th October, 1913.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, copy of a letter† received from the Admiralty on the subject of Statutory Rule No. 207, of the 16th July, 1913, for the application of the Naval Discipline Act to the Naval Forces of the Commonwealth.

2. I have to request that, provided your Ministers see no objection, you will send three copies of the Statutory Rule direct to the Governors-General of Canada

* No. 29.

† No. 30, omitting paragraph 4.

and the Union of South Africa and the Governors of New Zealand and Newfoundland, with reference to my despatches to them of the 24th of September,* copies of which are enclosed.

I have, &c.,

L. HARCOURT.

38814

No. 32.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 19 November, 1913. L.F.]

(Confidential (2).)

MY LORD,

Downing Street, 14 November, 1913.

WITH reference to my telegram of the 14th of November,† I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying draft of a memorial‡ by the Lords Commissioners of the Admiralty to His Majesty, regarding the grant of commissions to officers of the Royal Navy and the Royal Australian Navy.

2. I have to explain that the delay in dealing with this matter has been due to the consideration of the question whether it would not be possible to include in the scope of the memorial the Naval Forces of the Dominion of Canada, whose Ministers were parties to the Naval Agreements of 1909 and 1911, but that, in existing circumstances, it has been thought necessary to limit the scope of the proposed Order in Council to the Commonwealth only.

3. I should be glad to learn by telegraph whether your Ministers concur in the draft memorial, in which case steps will be taken forthwith to lay it before His Majesty in Council.

I have, &c.,

L. HARCOURT.

43709

No. 33.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.40 a.m., 20th December, 1913.)

TELEGRAM.

[Copy to Admiralty, December 23, 1913. L.F.]

[Answered by No. 35.]

Legislation necessary has been passed authorising establishment of New Zealand Naval Force, and also providing for application Naval Discipline Acts, and reconstitution of New Zealand Royal Naval Reserve. Government of New Zealand will be pleased to accept offer of Lords Commissioners of the Admiralty to lend H.M.S. "Philomel," and officer of suitable seniority and experience, as Naval Adviser, as soon as convenient.—LIVERPOOL.

44338

No. 34.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 26 December, 1913.)

[Answered by L.F. transmitting copy of 1786 in Dominions No. 52.]

SIR,

Admiralty, 24th December, 1913.

IN reply to your letter of the 13th instant, No. 42025,§ I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the

* No. 28.
33129

† 38814: not printed.

‡ Not printed: enclosure in 38814.

§ Not printed.
D 2

Secretary of State for the Colonies that, so far as the immediate question raised in the Governor of New Zealand's telegram of the 24th ultimo* is concerned, my Lords (as already indicated in Admiralty letter of the 5th instant†) would not suggest that covering sanction should be withheld for the application of the title "Royal" to the reconstituted New Zealand Naval Reserve. It is understood from the Governor's telegram enclosed in your letter of the 23rd instant, No. 43709,‡ that the title has actually been employed in the legislation recently passed in New Zealand.

2. As regards the desirability of further information beyond what is contained in Mr. Massey's statement on the Governor's telegram, my Lords presume that copies of the Act or Acts passed will be forwarded by the Governor at the earliest opportunity, but they would be glad if a somewhat fuller summary of the effect of this legislation could be telegraphed. They are specially desirous of knowing at the earliest possible moment all particulars of the financial proposals, including the date from which the existing contribution of £100,000 per annum will cease to be paid as at present, since this point materially affects the forthcoming Navy Estimates.

3. A further letter will be sent in due course dealing with the handing over of H.M.S. "Philomel" and the appointment of a Naval Adviser. It will be remembered that the sanction of the Lords Commissioners of the Treasury is necessary for the transfer of the ship, and that sanction will now be sought as soon as possible.

I am, &c.,
O. MURRAY.

44338

No. 35.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 12 10 p.m., 30 December, 1913.)

TELEGRAM.

[Copy to Admiralty, 1 January, 1914. L.F.]

[Answered by 1786 in Dominions No. 52.]

Your telegram 20th December.§ Lords Commissioners of Admiralty would be glad to receive fuller summary of effect of legislation passed, and, in particular, they desire to know, at earliest possible moment, all details of financial proposals, including date from which existing contribution of £100,000 per annum will cease to be paid, since this point materially affects forthcoming Naval Estimates.—HARCOURT.

* 40452: not printed.
‡ L.F. transmitting copy of No. 33.

† 41289: not printed.
§ No. 33.

II.—Defence Policy and Representation of the Dominions on the Committee of Imperial Defence.

593

No. 36.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 6 January, 1913.)

(Extract.)
(Secret.)

Wellington, 28th November, 1912.

* * * * *

Allen, the Finance Minister, is leaving for England about the middle of December in order to arrange the best terms he can for a new loan amounting to three and a half millions; also, if possible, to consolidate all outstanding short-dated loans alluded to by me in my previous report. As Minister of Defence, Allen would be glad to have an opportunity of discussing with you future naval policy in these seas. I have talked with him on the subject, and I have heard him express his views in public speeches. I have also talked on the subject with other members of the Government. There appears to be a certain divergence of opinion in the Cabinet in so far as they have been able to form any opinion. Some consider that the continuance of a money contribution by New Zealand is the wisest policy; others—of whom I gather Allen to be one—lean towards co-operation with Australia in a Pacific Fleet, provided that the fleet is definitely recognised and treated as an integral part of the Imperial Navy, and under the control of an Imperial Admiralty. The Government appear to be unanimous in desiring that New Zealand, in one form or another, should contribute her fair share to naval responsibility, and quite realise they are not doing so at present. When the question came before them some weeks ago as to whether New Zealand should pay the expenses attached to the construction of a naval depot at Auckland, or whether the cost should be borne by the Admiralty, they only decided on the latter course because they did not feel justified in expending the money required until they knew definitely what was to be the future policy in these seas. It was with a view to obtaining more precise information in this connection that I was requested to forward you the cable* on the subject some weeks ago. The feeling is undoubtedly growing in New Zealand—in sympathy with what appears to be the view in Australia—that these countries are too remote from Europe to rely upon a Home Fleet, however powerful that fleet may be in European seas, and that the comparative proximity of China and Japan must ultimately necessitate a strong local fleet for the protection of Australasia. Regarding this idea from a practical point of view so far as New Zealand is concerned, a difficulty might be the provision of men, at least for some years to come. There is at present an almost universal scarcity of population out here in every staple branch of industry. Agriculture in the rural districts, and many factories in the towns, are to-day seriously embarrassed by this scarcity. However, the Government will doubtless reach some definite and agreed opinion on the problem before Allen's departure, so as to enable him to discuss the whole question with you and your colleagues on his arrival in England.

* * * * *

I have, &c.,
ISLINGTON,
Governor.

40176

No. 37.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 4.10 p.m., 8 January, 1913.)

TELEGRAM.

[Published as No. 3 in [Cd. 7347], April, 1914.]

* No. 36 in Dominions No. 40.

No. 38.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.30 a.m., 9 January, 1913.)

TELEGRAM.

[Published as No. 4 in [Cd. 7347], April, 1914.]

No. 39.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7 p.m., 10 January, 1913.)

TELEGRAM.

[Published as No. 5 in [Cd. 7347], April, 1914.]

No. 40.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

(Secret.)

Sir,

Downing Street, 15th January, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying extract from a secret despatch, dated the 28th November,* from the Governor of New Zealand, on the subject of naval defence. It is understood that Mr. Allen, Minister for Defence, will arrive in this country early in February.

2. I am to request that you will invite the attention of the Lords Commissioners to the explanation given by Lord Islington of the reasons for the enquiry as to the future naval policy of His Majesty's Government in the Pacific contained in his telegram of the 30th September last,† which was communicated to you on the 2nd of October last, in a letter‡ to which no reply has as yet been received.

3. Mr. Harcourt would be glad to receive an intimation of the views of their Lordships on the enquiry made in that telegram before Mr. Allen's arrival, and he would also desire to learn at the same time whether their Lordships have altered in any degree their views as regards the part to be played by New Zealand in the naval defence of the Empire, or whether they are still of opinion that the arrangement agreed to at the Naval and Military Conference of 1909 is the one best suited to meet the special case of the Dominion.

4. I am to add that Mr. Harcourt gathers from notices which have appeared in the Press that the Commonwealth Government has been negotiating with the Government of New Zealand with a view to the co-operation of the two Governments in regard to naval defence. The only official information on the subject which Mr. Harcourt has is that contained in the telegram from the Naval Commander-in-Chief to the Admiralty of the 4th of November, 1912, a copy of which was enclosed in your letter of the 8th of November.§ Mr. Harcourt would be glad to learn whether their Lordships have any further information as to the nature and progress of these negotiations.

5. Arrangements are being made to invite Mr. Allen to a meeting of the Committee of Imperial Defence on his arrival in this country. It is presumed that their Lordships will wish on that occasion to explain to Mr. Allen the existing naval situation, and the reasons which led them to suggest that the battle cruiser "New Zealand" should be appointed to the Home Fleet instead of going, as previously arranged, to serve as flagship to the China Fleet unit.

I am, &c.,

H. W. JUST.

* No. 36.

† No. 90 in Dominions No. 46.

‡ No. 24 in Dominions No. 46.

§ No. 62 in Dominions No. 46.

No. 41.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 42.]

(Secret.)

Sir,

Downing Street, 21 January, 1913.

I AM directed by Mr. Secretary Harcourt to request you to inform the Lords Commissioners of the Admiralty that he observes from the Navy List for January that H.M.S. "Defence" has been transferred from the China Station to the Mediterranean Station, and that H.M.S. "Hampshire" is under orders to take her place.

2. It will be remembered that when it was suggested to the Government of New Zealand that the battle-cruiser "New Zealand" should be appointed to the Home Fleet instead of to the China Station, they were informed that "the Admiralty will send at once the armoured cruiser 'Defence,' a sister ship to the 'Minotaur,' to the China Station, effectively securing British preponderance in those seas."

3. It is presumed that it was by an oversight that Mr. Harcourt was not informed of the intention to substitute what appears to be a weaker vessel for the "Defence," and he will be glad to learn as soon as possible in what terms the Lords Commissioners desire that the change should be notified to the Government of the Dominion.

I am, &c.,

H. W. JUST.

No. 42.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 28 January, 1913.)

[Answered by No. 43.]

(Confidential.)

Sir,

Admiralty, 27th January, 1913.

IN reply to your letter of the 21st instant (No. 17202/1912),* respecting the transfer of H.M.S. "Defence" to the Mediterranean Station and of H.M.S. "Hampshire" to the China Station, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Secretary of State for the Colonies that they have no reason to believe that the Government of New Zealand attached any condition to their consent for H.M.S. "New Zealand" to be employed where her services were considered to be of most value. The composition of the China Squadron, as of other fleets and squadrons, is clearly a matter for the Admiralty alone, except in so far as they may be guided by the spirit of the arrangement made with the self-governing Dominions in 1909. The question of general policy as regards this arrangement is, as Mr. Harcourt is aware, now engaging their Lordships' attention, and the total strength of the China Squadron may well be a relevant consideration; but my Lords do not think it necessary to communicate with the Government of New Zealand specifically as to the movement of the "Defence" to the Mediterranean and any consequent change in the composition of the China Squadron.

I am, &c.,

W. GRAHAM GREENE.

No. 43.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

Sir,

Downing Street, 30 January, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th of January,† on the subject of the transfer of H.M.S. "Defence" from the China to the Mediterranean Station.

* No. 41.

† No. 42.

2. Mr. Harcourt will defer consideration of the views expressed by the Lords Commissioners of the Admiralty in this letter pending the receipt of a reply to the letter from this Office of the 15th of January,* dealing with the question of the naval defence policy of New Zealand.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

3688

No. 44.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 1 February, 1913.)

(No. 20.)

SIR,

Governor-General's Office, Pretoria, 13 January, 1913.

I HAVE the honour to transmit to you herewith a copy of a minute from my Ministers covering a report from Brigadier-General G. G. Aston on the class of instruction for officers of the Defence Forces of the Union which recently concluded its course at the South African Military School at Bloemfontein, and making enquiries as to the channel for the communication of further reports and information as to the progress and development of the defence organization.

2. I have forwarded a copy of the minute and its enclosure to the General Officer Commanding-in-Chief, South Africa.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 44.

(Minute. 12.)

Prime Minister's Office, Cape Town, 9th January, 1913.

Ministers have the honour to submit, for the information of His Excellency the Governor-General, a report from Brigadier-General G. G. Aston, on the class of instruction for officers to form the Permanent Staff of the Citizen Forces of the Union, which was opened at the South African Military School at Bloemfontein on the 1st July last, and which has recently been concluded.

Ministers have the honour to request that His Excellency may be pleased to transmit copies of the report for the information of the Army Council, and to enquire whether it will be agreeable to the Army Council that further reports and information as to the progress and development of the Union's defence organization under the South Africa Defence Act, 1912, should be transmitted by the Union General Staff to the local section of the General Staff of the Army in South Africa, for transmission to the War Office.

Ministers desire to add that it is proposed to exchange similar information with the General Staffs of the other self-governing Dominions, and to state that in effect the interchange of such communications with other self-governing Dominions has already been established. The General Staff of the Army in South Africa has, moreover, readily given very valuable assistance and advice to the Minister of Defence for the Union and his staff. Now that the new defence organization of the Union is beginning to take shape, it is hoped that the General Staff Section of that organization will be able to keep in close touch with the local section of the General Staff of the Army in South Africa, and afford all the information on the subject of the Union Defence Forces which may be required.

J. C. SMUTS.

South African Military School,

Bloemfontein, 20th December, 1912.

THE UNDER-SECRETARY FOR DEFENCE,

In accordance with a recent conversation with the Minister, I am now furnishing a general report upon the special class of South African Staff Officers and others who have completed courses of instruction under my superintendence.

* No. 40.

2. The courses commenced on June 29th, and the last of the officers concerned have just left.

3. The total numbers of officers trained are as follows:—

For District Staff Officer	...	...	...	...	14
For Adjutancies of Mounted Troops	...	...	...	...	24
For Adjutancies of Infantry	...	...	...	...	4
For Adjutancies of Infantry (part time)	...	...	...	...	10
For Rifle Association Staff Work	...	...	...	...	1
Total	...	...	...	...	53

The majority of these officers have now received appointments.

4. The respective courses have been completed by all the officers with the exception of two, one of whom left at his own request to return to his former police employment (Captain Vlok), and the other because, owing to constant sickness, he was unable to keep up with the class (Lieutenant Watermayer).

5. Before going into details, I should like to report that the zeal shown by the classes has been most creditable, and I have been very much struck by the progress made and the thoroughness of the work done by them in the short time available.

6. Besides the officers' classes, the following numbers of candidates for Instructorships on the subordinate staff for the citizen forces have also received instruction in certain subjects under my superintendence:—

Police and C.M.R. from Instructional Squadron	...	...	...	66
Permanent Instructors in employment	...	...	...	7
Specially entered Dutch-speaking candidates	...	...	...	21
Total	...	...	...	94

The last-mentioned are still at Bloemfontein. The others are either at the Depot at Pretoria, awaiting employment, or elsewhere.

7. In order to deal with the above classes the Instructional Staff at my disposal has been as follows:—

From 29th June to 25th November.—Major J. J. Collyer, C.M.R., who also performed the administrative duties as Commandant, and his duties as General Staff Officer at Defence Headquarters, at the same time.

From 29th June to 10th November.—Lieutenant-Colonel M. du Toit, of the C.F.S. Police.

From 10th September to date.—Major P. C. B. Skinner, late of the General Staff.

In addition to these, Lieutenant Judd, the Adjutant of the C.M.R., and later on, Major Manning of the Transvaal Police, Lieutenant (now Major) Taylor of the C.M.R., Captain Breytenbach acting Adjutant of the School, and Lieutenant Rutherford of the C.M.R., assisted in the instruction, especially in mounted rifle work.

Much assistance was also given to me by officers of the British Army in South Africa, and other outside lecturers, in special subjects. Further details are given below.

8. Owing to the zeal shown both by the classes and by Instructors, I can report confidently, in spite of the shortness of time available, that those who have left are thoroughly competent to perform the duties required of them under the Defence Act. In this connection it is desirable to bear in mind that nearly every candidate had had practical experience of war in this country, some in important commands, and for this reason they were specially able to assimilate the lessons taught, and to see their practical application.

9. The Minister was good enough to give me a free hand in organising the classes and in selection of subjects. The general principle adopted has been to make quite sure that subjects required at once in the different appointments should be known thoroughly, and that interest should be stimulated in other subjects required by Staff Officers in the conduct of war.

10. The essential subjects, of which a thorough knowledge has been attained, are as follows:—

For District Staff Officers.—Knowledge of Defence Act in detail. Musketry Training.* Mounted Rifle Training. Staff Duties (General Knowledge).

They were examined in knowledge of the Defence Act and proved that they knew it thoroughly. Many also attended the Adjutant's examination in other subjects and did well.

For Adjutants.—Defence Act in detail. Training of their Arm and Semaphore. Musketry.* Military Law. Staff Duties in Peace and War in South Africa. Cipher Work (Playfair).

The knowledge of all these candidates has been thoroughly tested by examinations and by practical tests.

As regards staff duties, I consider, and have reported, that about half the class are quite competent to perform the duties of brigade-major in the field. All are fit to perform the duties of adjutant.

11. With a view to combined action with the British Army, its organisation and equipment has been studied, both from lecturers and from practical demonstrations.

12. The following subjects have also been taught by lecturers, and by working out practical schemes. Whilst, of course, it was not possible in the time to ensure a thorough knowledge of each of these subjects by each individual of the class, they have all made great progress, and they have been given sufficient instruction to enable them to learn the subjects more thoroughly by themselves. This, without exception, they have undertaken to do:—

(1) Strategy; (2) Defence Schemes; (3) Training Schemes; (4) Native Warfare; (5) Coast Defence; (6) Cavalry Tactics; (7) Mounted Rifle Tactics; (8) Infantry Tactics; (9) Artillery Tactics; (10) Reconnaissance; (11) Field Defences; (12) Transport and Supply; (13) Camps and Bivouacs; (14) Explosives in the Field; (15) Physical Training; (16) Wireless Telegraphy in the Field; (17) Railways in War; (18) Horsemanship in the Field; (19) Prevention of Disease; (20) First Aid to the Wounded; (21) Disposal of Sick and Wounded in War.

13. In case it should be thought desirable to forward a copy of this report upon the Special Staff Officers Course to the War Office, I enclose in a separate envelope:—

- (i.) A spare copy of the report.
- (ii.) A copy of my recent report upon the special lectures delivered to the class by outside lecturers.
- (iii.) Some samples of the actual lectures delivered by the Directing Staff and by myself.

14. My proposal that the Staff Officers shall undergo refresher courses here has been provisionally approved by the Minister, and I anticipate the very best results from these courses, which Major Skinner the new Commandant is well fitted to conduct.

15. Most important of all, I cannot speak too highly of the general tone and spirit of the new South African Staff which has now been established. In my opinion they will form a keen and loyal service, and the outlook for the efficiency of the Active Citizen Force under their guidance is most promising. Given good citizen officers, it should become a practical and efficient force which should give a good account of itself in any emergency. There is a wide field in South Africa for the selection of officers with practical war experience and power of command.

16. As regards the subordinate instructional staff, these have been trained here as instructors in mounted rifle training, and they have also been taught the Defence Act and reconnaissance work. All of them either have undergone or will shortly undergo, courses of instruction at the School of Musketry. Thus uniformity and efficiency in the method of training the citizen forces all over the country will be ensured. The subordinate staff for infantry will be trained here early in 1913.

17. Apart from the question of military efficiency, it is unnecessary for me to enlarge upon the influence which the South African Staff will have, and are already having, all over the country, in fostering a South African national spirit, and peace and co-operation between the white races in South Africa. The general good feeling and camaraderie between the members of the class at the end of the course was quite

* At School of Musketry, Tempe.

wonderful, and must have been seen to have been believed. Many were in the field on opposite sides in the late war, and some strong friendships have been made between those who fought hardest against each other a few years ago. The experiment of collecting officers from all parts of the country for courses in a central educational establishment has been fully justified by the important results attained, and the system will, I trust, be adopted permanently in South Africa.

GEORGE ASTON.
Brigadier-General.

1003

No. 45.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)
(Union of South Africa.)
(Confidential.)

(New Zealand.)
(Newfoundland.)

Downing Street, 22 February, 1913.

[Published as No. 6 in [Cd. 7347], April, 1914.]

6472

No. 46.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 24 February, 1913.)

(Secret (2).)

Governor-General's Office,
Cape Town, 5 February, 1913.

[Published as No. 7 in [Cd. 7347], April, 1914.]

7132

No. 47.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 9.20 p.m., 28th February, 1913.)

TELEGRAM.

[Answered by Nos. 50 and 56.]

Your telegram of 27th February.* My Ministers have presented minute as follows in reply:—

"My Ministers, after full consideration of the question of Newfoundland participation in Imperial defence project of the Dominions, and feeling that the loyalty and patriotism of the people of Newfoundland would welcome opportunity to co-operate as far as possible in means for such defence, respectfully request His Majesty's Ministers to submit matter to the Admiralty for the best consideration of that body with a view to ascertaining how such participation can be best ensured. My Ministers inclined to the opinion that possibly a substantial enlargement of Naval Reserve at present maintained by Newfoundland would serve purpose, with annual visits by warships, which will give Naval Reserve deep sea training suspended during recent years by altered disposition of His Majesty's naval flotillas. My Ministers propose to announce in speech at opening of Legislature March 5th their offer of participation in Imperial defence plans, but not indicating any details."

The number of reservists is at present 600. My Ministers will not be adverse to doubling this number.—DAVIDSON.

* 6527: not printed.

6472

No. 48.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.15 p.m., 1st March, 1913.)

TELEGRAM.

[Answered by No. 51.]

Your Secret despatch, No. 2, 5th February,* Presume your Ministers have no objection to publication of despatch if desired. My despatch, 10th December,† as they are aware, has been published, without enclosures, which remain secret, and it will be probably desirable to publish the replies received.—HARCOURT.

7132

No. 49.

NEWFOUNDLAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 52.]

SIR, Downing Street, 1 March, 1913.
With reference to your letter of the 22nd ultimo,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copies of telegrams§ to and from the Governor of Newfoundland on the subject of the local branch of the Royal Naval Reserve.

2. Mr. Harcourt would be glad to be informed what reply should be returned to the telegram from the Governor of the 28th ultimo,|| which invites an expression of the opinion of His Majesty's Government as to the best means of ensuring the participation of Newfoundland in Imperial Defence.

I am, &c.,
H. W. JUST.

7132

No. 50.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 12.45 p.m., 4th March, 1913.)

TELEGRAM.

[Copy to Admiralty, 5 March, 1913. L.F.]

Offer of your Government to participate in Imperial Defence highly appreciated. Matter is being referred to the Admiralty.—HARCOURT.

8645

No. 51.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5 p.m., 13th March, 1913.)

TELEGRAM.

Your telegram, 1st March.¶ My Ministers have no objection to publication of their Secret Minute, 89, of 30th January.—GLADSTONE.

* No. 46.

† [Cd. 6560], January, 1913.

‡ 6527: not printed.

§ 6527: not printed; and No. 47.

¶ No. 47.

¶ No. 48.

8653

No. 52.

NEWFOUNDLAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 14 March, 1913.)

[Answered by No. 53.]

SIR, Admiralty, 13th March, 1913.
I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 1st instant,* forwarding a telegram from the Governor of Newfoundland, dated 28th ultimo,† expressing the desire of the people of Newfoundland to participate further in Imperial Defence.

In reply, I am to forward the draft of a telegram which their Lordships suggest should be sent to the Governor indicating the appreciation of His Majesty's Government and their suggestions for dealing with the subject.

I am, &c.,
W. GRAHAM GREENE.

Enclosure in No. 52.

DRAFT TELEGRAM.

His Majesty's Government desire to convey their cordial thanks to the Newfoundland Government for their loyal and patriotic offer to co-operate further in the defence of the Empire.

Present strategical considerations preclude possibility of keeping sea-going ships in Newfoundland waters, and difficulties therefore arise as regards training and utilisation in war larger number of Newfoundland Royal Naval Reserves than at present.

In all the circumstances His Majesty's Government, while highly appreciating the action of the Newfoundland Government, suggest, provisionally, continuance of existing arrangements, and subject might be closely examined in all its bearings for consideration at Conference; should such be convenient.

8653

No. 53.

NEWFOUNDLAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 55.]

SIR, Downing Street, 18th March, 1913.
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th instant,‡ enclosing the draft of a telegram which the Lords Commissioners of the Admiralty suggest should be sent to the Governor of Newfoundland in reply to the offer of the Newfoundland Government to co-operate further in the defence of the Empire.

2. Mr. Harcourt does not clearly understand what is intended to be conveyed by the last two lines of the draft telegram commencing "and subject might be", but, if they are meant as a suggestion that Sir E. Morris should come to England to confer with the Lords Commissioners of the Admiralty as Sir R. Bond did in 1902, he doubts the expediency of making any such suggestion at present, in view of the fact that a General Election is to be held in Newfoundland in the autumn.

3. Mr. Harcourt would suggest for their Lordships' consideration that some such phrase as "pending further examination of the subject in all its bearings" should be substituted for the two lines in question.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 49.

† No. 47.

‡ No. 52.

8645

No. 54.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)
(Australia.)
(Confidential.)

(New Zealand.)
(Newfoundland.)

Downing Street, 20 March, 1913.

[Published as No. 8 in [Cd. 7347], April, 1914.]

10401

No. 55.

NEWFOUNDLAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 29 March, 1913.)

[Answered by L.F. transmitting copy of No. 56.]

SIR,

Admiralty, 28th March, 1913.

With reference to your letter of the 18th instant, No. 8653,* relative to the telegram which it is proposed to send to the Governor of Newfoundland in reply to the offer of the Newfoundland Government to co-operate further in the defence of the Empire, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that it was not intended to propose an immediate conference with a representative of the Newfoundland Government, but it may be desirable that such a conference should take place at a later date.

2. They therefore suggest that the concluding lines of the telegram should be worded as follows:—

"Suggest provisionally continuance of existing arrangements pending further examination of the subject in all its bearings, as to which conference later on might be desirable."

I am, &c.,

W. GRAHAM GREENE.

8653

No. 56.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Sent 2.30 p.m., 4th April, 1913.)

TELEGRAM.

[Copy to Admiralty, 7 April, 1913. L.F.]

Your telegram 28th February and despatch, No. 26, 8th March.† His Majesty's Government desire to convey their cordial thanks to the Newfoundland Government for their loyal and patriotic offer to co-operate further in the defence of the Empire.

Present strategical considerations preclude possibility of keeping sea-going ships in Newfoundland waters, and difficulties therefore arise as regards training and utilising in war larger number of Newfoundland Royal Naval Reserve than at present.

In all the circumstances His Majesty's Government, while highly appreciating the action of the Newfoundland Government, suggest provisionally continuance of existing arrangements pending further examination of subject in all its bearings, as to which conference later on might be desirable.—HARCOURT.

* No. 53.

† No. 47, and 10176: not printed.

13496

No. 57.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 21 April, 1913.)

(Confidential)

Government House, St. John's, 8th April, 1913.

[Published as No. 9 in [Cd. 7347], April, 1914.]

18132

No. 58.

NEW ZEALAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Secret.)

Downing Street, 25 April, 1913.

MY LORD,

I HAVE the honour to transmit to Your Excellency, for communication in secrecy to your Ministers, the accompanying copy of a print* containing the correspondence which took place between the First Lord of the Admiralty and Colonel the Honourable James Allen, Minister of Defence for the Dominion, during his visit to this country, together with two memoranda* on the subject of Imperial and New Zealand Naval Policy.

2. In communicating these papers to your Ministers you should impress upon them the importance of insuring that the statement contained in this correspondence as regards the foreign relations and policy of this country should be treated as absolutely secret.

3. As a matter of courtesy to Colonel Allen, I shall be glad if you will defer the communication of the papers until he has arrived in the Dominion and is in a position to discuss the questions involved with his colleagues.

I have, &c.,

L. HARCOURT.

13496

No. 59.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)
(Australia.)

(New Zealand.)
(Union of South Africa.)

(Confidential (2).)

Downing Street, 2 May, 1913.

[Published as No. 10 in [Cd. 7347], April, 1914.]

7985

No. 60.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)
(Australia.)

(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

(Confidential.)

Downing Street, 26 May, 1913.

[SIR] [MY LORD],

With reference to my Confidential despatch of the 28th of January.†

* Enclosure in 13837: not printed.

† 27401/12: not printed (forwarding copies of No. 96 in Dominions No. 46).

[To Newfoundland: With reference to your Confidential despatch of the 28th of March,*]

I have the honour to transmit to [Your Excellency] [you], for the information of your Ministers, the accompanying copies of a revised statement showing the population and the naval and military expenditure of the United Kingdom, India, and the overseas Dominions, which has been prepared by the Oversea Defence Committee.

2. I shall be glad if you will explain to your Ministers that the figures shown in the columns headed respectively "Military" and "Naval" expenditure of the United Kingdom in the statement enclosed in my despatch of the 28th January,† were found not to have been compiled on similar bases, and therefore were not strictly comparable. The totals for military expenditure were arrived at by adding to the total expenditure from Army Votes (as shown in the Army Appropriation Accounts) the expenditure defrayed from loans, and deducting from this gross total (1) loan annuities and (2) the surplus of receipts over expenditure under the Ordnance Factories Vote. The figures for naval expenditure were simply the totals of the Navy Appropriation Accounts for the several years, *i.e.*, they excluded the expenditure out of loans from the figures of the years in which it was actually incurred and included it in the years in which the annuity was repaid out of revenue. Accordingly in the revised statement the figures for military expenditure have been prepared on the same lines as the figures of naval expenditure.

3. I shall be glad to learn to what extent, if any, the figures of the expenditure of [Canada] [the Commonwealth] [New Zealand] [the Union] [Newfoundland] given in the revised statement should be amended in order to make them strictly comparable with the corresponding figures for the United Kingdom.

I have, &c.,
L. HARCOURT.

Enclosure in No. 60.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS.

N.B.—The statement, in so far as it relates to the overseas Dominions, Colonies, and Protectorates, has been compiled from the information contained in the Annual Returns of Military and Naval Resources, supplemented where necessary by the limited information at the disposal of the Oversea Defence Committee. It has been assumed that the population has increased in each case at a uniform rate.

UNITED KINGDOM.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-3	42,315,704	68,863,527	1 12 6½	31,003,977	0 14 7½	2 7 2½
1903-4	42,654,581	26,728,580	0 17 2½	35,709,477	0 16 8½	1 13 11½
1904-5	42,993,458	28,895,624	0 13 5½	36,859,681	0 17 1½	1 10 7
1905-6	43,332,335	28,478,863	0 13 1½	33,151,841	0 15 3½	1 8 5
1906-7	43,671,212	28,501,421	0 13 0½	31,472,087	0 14 4½	1 7 5½
1907-8	44,010,089	27,141,642	0 12 4	31,251,156	0 14 2½	1 6 6½
1908-9	44,348,966	26,859,299	0 12 1½	32,181,309	0 14 6	1 6 7½
1909-10	44,687,843	27,243,825	0 12 2½	35,734,015	0 15 11½	1 8 2
1910-11	45,026,721	27,549,491	0 12 2½	40,419,336	0 17 7	1 9 9½
1911-12	45,365,599	27,690,000*	0 12 2½	42,414,257	0 18 8½	1 10 10½

* The total of Army Estimates 1911-12.

* 12233: not printed. † 27401/12: not printed (forwarding copies of No. 96 in Dominions No. 46).

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS—continued.

INDIA.

Financial Year.	Population.*	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£		
1902-3	295,000,000	17,779,770	0 1 2½	351,843	Varies from ¼d. to ½d.	Varies from 1s. 1d. to 1s. 5d.
1903-4	296,500,000	18,292,405	0 1 2½	348,418		
1904-5	298,500,000	20,779,195	0 1 4½	416,998		
1905-6	301,000,000	19,769,339	0 1 3½	407,300		
1906-7	303,700,000	20,155,150	0 1 3½	511,193		
1907-8	306,300,000	19,352,016	0 1 3	396,338		
1908-9	309,000,000	19,751,479	0 1 1½	351,508		
1909-10	312,000,000	19,234,626	0 1 2½	377,697		
1910-11	315,000,000	19,410,152	0 1 2½	351,080		
1911-12	318,000,000	19,637,700	0 1 2½	484,500		

* Including population of feudatory states.

CANADA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-3	5,553,417	424,962	0 1 6½	24,000*	0 0 1	0 1 7½
1903-4	5,735,519	611,768	0 2 3	26,000*	0 0 1	0 2 4
1904-5	5,917,621	771,100	0 2 7	26,000*	0 0 1	0 2 8
1905-6	6,099,723	1,105,983	0 3 7½	44,000*	0 0 1½	0 3 9
1906-7	6,281,825	858,032	0 2 8½	44,000*	0 0 1½	0 2 10½
1907-8	6,463,927	1,396,476	0 4 4	90,000*	0 0 3½	0 4 7½
1908-9	6,646,029	1,334,322	0 4 0½	99,000*	0 0 3½	0 4 4
1909-10	6,828,132	1,230,115	0 3 7½	107,100*	0 0 3½	0 3 11
1910-11	7,010,235	1,448,318	0 4 1½	656,300*	0 1 10½	0 6 0
1911-12	7,192,338	1,546,220*	0 4 3½	656,300*	0 1 10	0 6 1½

* Estimated expenditure.

† The amounts shown in this column have been taken from the Annual Returns of Military and Naval Resources.

AUSTRALIA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03	3,841,921	615,946	0 3 2½	149,621	0 0 9½	0 3 11½
1903-04	3,910,041	615,758	0 3 1½	239,899	0 1 2½	0 4 4½
1904-05	3,978,161	728,633	0 3 7½	205,966	0 1 0½	0 4 8
1905-06	4,046,281	718,252	0 3 6½	252,091	0 1 3	0 4 9½
1906-07	4,114,401	780,021	0 3 9½	255,774	0 1 2½	0 5 0½
1907-08	4,182,521	823,585	0 3 11½	511,159	0 2 5½	0 6 4½
1908-09	4,250,642	781,989	0 3 8	268,602	0 1 3	0 4 11
1909-10	4,318,763	1,204,446	0 5 6½	230,435	0 1 6½	0 7 1½
1910-11	4,374,138	1,539,409	0 7 0½	1,466,617	0 6 8½	0 13 9
1911-12	4,455,005	2,699,678*	0 11 11	2,075,458*	0 9 3½	1 1 2½

* Estimated expenditure.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE
UNITED KINGDOM, INDIA, AND DOMINIONS—*continued.*

NEW ZEALAND.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03 ...	795,890	234,110	0 6 4½	21,452	0 0 6½	0 6 11
1903-04 ...	819,062	209,049	0 5 1½	21,523	0 0 6½	0 5 7½
1904-05 ...	842,234	234,842	0 5 6½	40,742	0 0 11½	0 6 6½
1905-06 ...	865,406	195,028	0 4 6	42,280	0 0 11½	0 5 5½
1906-07 ...	888,578	167,639	0 3 9½	40,000	0 0 10½	0 4 8
1907-08 ...	912,556	195,000	0 4 3½	40,000	0 0 10½	0 5 1½
1908-09 ...	936,534	206,451	0 4 4½	40,000	0 0 10½	0 5 3
1909-10 ...	960,512	195,323	0 4 0½	100,000	0 2 0½	0 6 1½
1910-11 ...	984,490	219,009	0 4 5½	100,000	0 1 11	0 6 4½
1911-12 ...	1,008,468	412,307	0 8 2	100,000	0 1 11½	0 10 1½

* These figures do not include the cost of the battle cruiser presented by New Zealand under the New Zealand Naval Defence Act, 1909.

SOUTH AFRICA.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1910-11 ...	Europeans, 1,278,025.	230,617	0 3 7½	86,555	0 1 4½	0 4 11½
	Europeans and Natives, 5,958,469.	—	0 0 9½	—	0 0 3½	0 1 0½
1911-12 ...	Europeans, 1,301,056.	320,604*	0 4 11	85,000	0 1 3½	0 6 2½
	Europeans and Natives, 6,070,309.	—	0 1 0½	—	0 0 3½	0 1 3½

* Estimated expenditure.

NEWFOUNDLAND.

Financial Year.	Population.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Military and Naval expenditure per head of population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902-03 ...	223,117	Nil	Nil	331	—	—
1903-04 ...	225,171	Nil	Nil	296	—	—
1904-05 ...	227,225	Nil	Nil	322	—	—
1905-06 ...	229,279	Nil	Nil	197	—	—
1906-07 ...	231,333	Nil	Nil	2,872*	0 0 2½	0 0 2½
1907-08 ...	233,387	Nil	Nil	2,942†	0 0 3	0 0 3
1908-09 ...	235,441	Nil	Nil	2,965	0 0 3	0 0 3
1909-10 ...	237,495	Nil	Nil	2,920	0 0 2½	0 0 2½
1910-11 ...	241,607	Nil	Nil	2,840	0 0 2½	0 0 2½
1911-12 ...	243,661	Nil	Nil	3,213	0 0 3	0 0 3

* Year 1906.

† Year 1907.

STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE
CROWN COLONIES AND PROTECTORATES.

Financial Year.		Population according to latest returns.	Military expenditure.	Military expenditure per head of population.	Naval expenditure.	Naval expenditure per head of population.	Naval and Military expenditure.	Naval and Military expenditure per head of population.	Remarks.
			£	£ s. d.			£	£ s. d.	
—	CROWN COLONIES, &c.								
—	Gibraltar ...	19,586	Nil	Nil	Nil	Nil	Nil	Nil	
1912	Malta ...	211,564	5,000	0 0 5½	Nil	Nil	5,000	0 0 5½	Contribution to cost of Imperial Garrison.
1911-12	Cyprus ...	274,108	Nil	Nil	Nil	Nil	Nil	Nil	Includes £134,664 military contribution of Colony.
1911	Ceylon ...	4,105,535	163,375	0 0 9½	Nil	Nil	163,375	0 0 9½	Includes £181,055 military contribution of Colony.
1912	Straits Settlements.	710,355	187,749	0 5 3½	Nil	Nil	187,749	0 5 3½	Malay States Guides and Volunteers.
1911	Federated Malay States.	1,036,999	59,483	0 1 1½	Nil	Nil	59,483	0 1 1½	Includes £121,689 military contribution of Colony.
—	Labuan ...	6,546	Nil	Nil	Nil	Nil	Nil	Nil	
—	North Borneo ...	208,183	Nil	Nil	Nil	Nil	Nil	Nil	
1911	Hong Kong ...	450,098	126,203	0 5 8½	Nil	Nil	126,203	0 5 8½	Rifle Association.
—	Weihaiwei ...	147,177	Nil	Nil	Nil	Nil	Nil	Nil	
—	Papua ...	281,568	Nil	Nil	Nil	Nil	Nil	Nil	
1912	Fiji ...	139,541	3,073	0 0 5½	Nil	Nil	3,073	0 0 5½	
1911	Bermuda ...	18,994	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	British Honduras.	40,458	1,464	0 0 8½	Nil	Nil	1,464	0 0 8½	
—	Bahamas ...	55,944	Nil	Nil	Nil	Nil	Nil	Nil	
1911-12	Jamaica ...	831,383	3,123	0 0 1	Nil	Nil	3,123	0 0 1	
1911-12	Leeward Islands	127,189	1,635	0 0 3	Nil	Nil	1,635	0 0 3	
1911-12	Windward Islands.								
1911-12	St. Lucia		1,521	0 0 2½	Nil	Nil	1,521	0 0 2½	
1911-12	St. Vincent		1,948	0 0 2½	Nil	Nil	1,948	0 0 2½	
1910-11	Grenada		4,068	0 0 3	Nil	Nil	4,068	0 0 3	
1911	Barbados ...	171,983	1,948	0 0 2½	Nil	Nil	1,948	0 0 2½	
1911-12	Trinidad and Tobago.	330,088	4,513	0 0 3½	Nil	Nil	4,513	0 0 3½	
1911-12	British Guiana	296,041	276	0 1 8½	Nil	Nil	276	0 1 8½	Including Protectorate.
1912	Falkland Islands	3,275	10,028	0 1 4½	Nil	Nil	10,028	0 1 4½	Ditto.
1911	Gambia ...	146,101	24,050	0 0 4	Nil	Nil	24,050	0 0 4	Including dependencies.
1911	Sierra Leone ...	1,403,132	89,682	0 1 2½	Nil	Nil	89,682	0 1 2½	
1912	Gold Coast ...	1,503,386	105,754	0 0 3	Nil	Nil	105,754	0 0 3	
1911	Southern Nigeria.	7,558,689	163,550	0 0 4	Nil	Nil	163,550	0 0 4	
1911-12	Northern Nigeria.	9,269,000	3,520	Nil	Nil	Nil	Nil	Nil	
—	St. Helena ...		36,425	0 0 5½	Nil	Nil	36,425	0 0 5½	
1911-12	Rhodesia ...	1,593,676	Nil	Nil	Nil	Nil	Nil	Nil	
—	Basutoland ...	404,507	Nil	Nil	Nil	Nil	Nil	Nil	
—	Bechuanaland ...	125,350	26,884	0 0 6½	Nil	Nil	26,884	0 0 6½	
1911-12	Nyasaland ...	970,430	54,762	0 0 4½	Nil	Nil	54,762	0 0 4½	
1911-12	East Africa ...	3,015,061	60,036	0 0 5	Nil	Nil	60,036	0 0 5	
1911-12	Uganda ...	2,813,325	23,282	0 1 5	Nil	Nil	23,282	0 1 5	
1911-12	Somaliland ...	327,859	28,368	0 1 6	Nil	Nil	28,368	0 1 6	Contribution to cost of Imperial Garrison.
1911-12	Mauritius ...	375,481	Nil	Nil	Nil	Nil	Nil	Nil	
—	Seychelles ...	22,691	Nil	Nil	Nil	Nil	Nil	Nil	

21590

No. 61.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.12 a.m., 24th June, 1913.)

TELEGRAM.

[Answered by No. 64.]

(Paraphrase.)

Most Secret. I am requested by my Prime Minister to say that my Government accept the principle of the proposals of the Minister of Defence in connection with naval policy. Ministers, however, are strongly of opinion that the suggestion of the Lords Commissioners of the Admiralty to place H.M.S. "Cambrian" and "Psyche" in New Zealand waters is too serious a departure from the agreement of 1909. If, however, the Admiralty will now, or within the next eighteen months, substitute two cruisers of the "Bristol" type, my Government would be pleased, and would recommend to Parliament the provision, on the arrival of the substitute ships, of £150,000 towards the expenses of the two Admiralty cruisers and the New Zealand training-ship in place of the sum of £100,000 now paid to the Admiralty.—LIVERPOOL.

21590

No. 62.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 63.]

(Secret.)

SIR,

Downing Street, 26 June, 1913.

With reference to your letter of the 24th of April,* I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, a paraphrase of a telegram† from the Governor of New Zealand, communicating a message from his Ministers on the subject of the naval defence of the Dominion.

I am, &c.,

HENRY LAMBERT.

for the Under-Secretary of State.

23547

No. 63.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 9 July, 1913.)

[Answered by No. 65.]

(Confidential.)

SIR,

Admiralty, 8th July, 1913.

In reply to your letter, No. 21590, of the 26th ultimo,‡ transmitting a telegram from the Governor of New Zealand on the subject of the naval policy of the Dominion, I am commanded by my Lords Commissioners of the Admiralty to request that you will represent to the Secretary of State for the Colonies that a memorandum elaborating in detail the scheme outlined by the New Zealand Minister for Defence is on the point of being sent to him at his request.

2. Until the Government of New Zealand have this memorandum before them it appears to my Lords premature to enter into any discussion as to the arrangement to be made to give effect to that scheme. It would also be desirable that the

* 13837 : not printed.

† No. 61.

‡ No. 62.

reference to the substitution of two cruisers of the "Bristol" type for the "Cambrian" and "Psyche" should be explained more fully, inasmuch as cruisers of this class are not adapted for the purposes of training as proposed in Colonel Allen's scheme.

3. My Lords accordingly propose that a telegram should be sent in reply to the Governor-General to the following effect:—

"Admiralty cordially appreciate the readiness of the New Zealand Government to increase substantially their monetary contribution to the Royal Navy as part of certain proposals. Before, however, proposals can be discussed with full advantage Ministers will probably desire to have before them the memorandum prepared by Admiralty at Colonel Allen's request elaborating scheme outlined by him. This is ready to be sent. "Bristol" type cruisers not considered by Admiralty adapted for training purposes such as those provided for in Colonel Allen's scheme, which Ministers in principle accept."

I am, &c.,

W. GRAHAM GREENE.

23547

No. 64.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 10th July, 1913.)

TELEGRAM.

[Answered by Nos. 66 and 67.]

(Paraphrase.)

Your Excellency's telegram of the 24th of June* was duly communicated to the Lords Commissioners of the Admiralty, who cordially appreciate the readiness of your Government to increase substantially their monetary contribution to the Royal Navy as part of certain proposals. Before, however, these proposals can be discussed with full advantage, your Ministers will probably desire to have before them the memorandum prepared by their Lordships elaborating the scheme outlined by Colonel Allen. The memorandum will follow by mail. Their Lordships do not consider cruisers of the "Bristol" type adapted for training purposes such as those for which provision is made in Colonel Allen's scheme, which has been accepted in principle by your Ministers.—HARCOURT.

23547

No. 65.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

Downing Street, 11 July, 1913.

SIR,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th of July,† and to transmit to you, for the information of the Lords Commissioners of the Admiralty, copy of a telegram‡ which has been addressed to the Governor of New Zealand on the subject of the naval policy of the Dominion Government.

2. With reference to paragraph 1 of your letter I am to observe that Mr. Harcourt desires that the memorandum prepared at Colonel Allen's request shall be forwarded through this Office to the Governor of New Zealand for communication to his Ministers.

I am, &c.,

H. W. JUST.

* No. 61.

† No. 63.

‡ No. 64.

26017

No. 66.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28 July, 1913.)

(Confidential.)

Government House, Wellington, 19th June, 1913.

[Published as No. 11 in [Cd. 7347], April, 1914.]

26412

No. 67.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.33 p.m., 31st July, 1913.)

TELEGRAM.

[Answered by Nos. 69 and 70.]

(Paraphrase.)

I should be glad to learn, for the information of my Ministers, on what date the correspondence referred to in your cypher telegram of the 10th July* was posted, and whether the despatch contains an answer to the suggestion made in a letter sent from Halifax on the 24th of April by Colonel Allen to the First Lord of the Admiralty.—LIVERPOOL.

26412

No. 68.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

Sir,

Downing Street, 1 August, 1913.

With reference to the letter from this Office of the 11th July† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a telegram‡ from the Governor of New Zealand on the subject of the naval policy of the Dominion.

2. Mr. Harcourt would be glad to learn what reply should be returned to the last sentence of this telegram and to be furnished with the memorandum which is being prepared by the Admiralty, for transmission to the Governor at the earliest possible date.

I am, &c.,

JOHN ANDERSON.

26887/S

No. 69.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 12.45 p.m., 8th August, 1913.)

TELEGRAM.

[Answered by No. 71.]

Your telegram 31st July.‡ Memorandum, with letter replying to Colonel Allan's letter, 24th April, go by mail 8th August.§—HARCOURT.

* No. 61.

† No. 63.

‡ No. 67.

§ No. 70.

26887/S

No. 70.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 79.]

(Secret.)

Downing Street, August 8th, 1913.

My LORD,

I HAVE the honour to acknowledge the receipt of your Excellency's Secret despatch of the 27th of June,* and your telegram of the 31st of July,† regarding naval defence.

2. In reply, I have to transmit to you, under separate cover, a letter‡ from the First Lord of the Admiralty to the Minister of Defence of the Dominion regarding the organisation and training of the naval force of the Dominion. I also enclose a copy of this letter for your information.

I have, &c.,

L. HARCOURT.

27883

No. 71.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9.45 a.m., 11th August, 1913.)

TELEGRAM.

[Answered by No. 77.]

(Paraphrase.)

With reference to your telegram of 8th August.§ My Ministers are awaiting arrival of this communication before making any announcement in Parliament. They would, therefore, be glad to have by telegraph the gist of memorandum and letter mentioned in your telegram of 8th August.§

My Ministers deprecate apparently official announcement from London in to-day's papers that "Philomel" is being commissioned for New Zealand, as they can give no explanation pending arrival of data above mentioned.—LIVERPOOL.

27883

No. 72.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 76.]

(Confidential.)

Sir,

Downing Street, 12 August, 1913.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 8th of August,|| and to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of correspondence‡ with the Governor of New Zealand on the subject of the naval policy of the Dominion.

2. Mr. Harcourt would be glad to learn what reply should be returned to the Governor's telegram.

I have, &c.,

JOHN ANDERSON.

* 26887 : not printed.
§ No. 69.† No. 67.
‡ 27563 : not printed.‡ Not printed.
¶ Nos. 69, 70, and 71.

26017

No. 73.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)
(Newfoundland.)
(Confidential.)

(Australia.)
(Union of South Africa.)

Downing Street, 15 August, 1913.

[Published as No. 12 in [Cd. 7347], April, 1914.]

28497

No. 74.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.0 a.m., 16th August, 1913.)

TELEGRAM.

[Answered by Nos. 96 and 97.]

[Published as No. 13 in [Cd. 7347], April, 1914.]

28497

No. 75.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 94.]

SIR,

Downing Street, 21 August, 1913.

WITH reference to the letter from this Department of the 12th instant* and to previous correspondence, relative to the naval policy of New Zealand, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a telegram† from the Governor-General of the Commonwealth of Australia, stating that the Commonwealth Government are considering the naval defence situation, and are anxious to know the intentions of His Majesty's Government in regard to the provision of fleet units for the China and East Indies Stations.

2. Mr. Harcourt would be glad to be favoured with their Lordships' observations on this telegram.

3. I am to take this opportunity to enclose, for their Lordships' information, a copy of a telegraphic correspondence‡ with the Governor-General of the Commonwealth which took place in December and January last with regard to a suggestion made by the then Commonwealth Government, that a general Naval Defence Conference should be held in Australia early in 1913.

I am, &c.,
HENRY LAMBERT,
for the Under-Secretary of State.

* No. 13.

† No. 13 in [Cd. 7347].

‡ No. 95 in Dominions No. 46 and Nos. 3, 4, and 5 in [Cd. 7347].

29976

No. 76.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 28 August, 1913.)

[Answered by L.F. transmitting a copy of No. 77.]

(Confidential.)

Admiralty, 27th August, 1913.

SIR,

WITH reference to your letter of the 12th instant, No. 27883/1913,* respecting the naval policy of the Dominion of New Zealand, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith a draft of a reply† which, if the Secretary of State concurs, my Lords suggest should be sent to the Governor in reply to his telegram of the 11th instant.‡

I am, &c.,
CHARLES WALKER,
for Secretary.

29976

No. 77.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 6.20 p.m., 28th August, 1913.)

TELEGRAM.

[Copy to Admiralty, 29 August, 1913. L.F.]

(Paraphrase.)

Naval policy. I duly referred your telegram of 11th August‡ to Lords Commissioners of the Admiralty. They suggest that you should communicate with your Ministers in the following terms:—

"Memorandum and letter too long to be summarized but develop policy discussed with Minister of Defence. Ships mentioned are 'Philomel,' to be lent to New Zealand as seagoing training cruiser, 'Psyche' and 'Pyramus,' to be kept for the present in New Zealand waters as Imperial ships, also used for advanced training and subsequent service of New Zealand Force, 'Torch,' to be employed solely Imperial duties Pacific. Orders have been given for 'Philomel' to recommission at Hong Kong and proceed to New Zealand, where she will arrive before Christmas, but she remains Imperial ship for the present, and Admiralty quite understand that New Zealand Government are not yet committed to accepting and maintaining her. Announcement of destination of new crew was inevitable and only fair to men serving."

—HARCOURT.

26887

No. 78.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Secret.)

Downing Street, 12 September, 1913.

MY LORD,

IN continuation of my Secret despatch of the 8th August,§ I have the honour to transmit to Your Excellency, for your information, a printed copy of further correspondence|| between the Minister of Defence of New Zealand and the First Lord of the Admiralty on the subject of the naval policy of the Dominion.

I have, &c.,
L. HARCOURT.

* No. 72.

† See quoted passage in No. 77.

‡ No. 71.

§ No. 70.

| Not printed here.

No. 79.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.50 a.m., 16th September, 1913.)

TELEGRAM.

[Answered by No. 84.]

(Paraphrase.)

I have communicated to my Government your Secret despatch of the 8th August.* The real difficulty which will arise is the fact that your cypher telegram of the 10th July† does not definitely answer the Prime Minister's request regarding the substitution of other vessels for the "Pyramus" and "Psyche" put forward in my telegram of the 24th June‡. My Government maintain that these ships involve a very serious departure from the Agreement of 1909. I should be glad if you would ascertain whether the Lords Commissioners of the Admiralty could agree to meet the views of the Prime Minister, or suggest some similar proposal with a view to obviate the difficulty. Difficulty has been caused by the delay in the receipt of your Secret despatch of the 8th August,* as the Parliamentary session is now so far advanced.

Could you send me a reply without delay? because I fear that my Government will not agree to the location here of the "Pyramus" and "Psyche" except as a temporary measure. I have reason to hope, if this can be done, that the proposals of the Admiralty will probably be accepted.—LIVERPOOL.

32334/S.

No. 80.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 81.]

(Secret.)

Sir, Downing Street, 17 September, 1913.
With reference to the letter from this Office of the 29th August,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a telegram|| from the Governor of New Zealand, on the subject of the naval policy of the Dominion.

2. Mr. Harcourt will be glad to learn what reply should, in the opinion of their Lordships, be returned to His Excellency's telegram.

3. I am to add that as Mr. Churchill's letter to Colonel Allen of the 25th August,* which explains the reasons why it is not possible to comply with the request of the New Zealand Government for the presence in New Zealand waters of two "Bristol" cruisers, was only sent by the mail of the 12th September, it will not reach Colonel Allen for nearly five weeks.

I am, &c.,
H. W. JUST.

32331

No. 81.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 25 September, 1913.)

[Answered by L.F. transmitting a copy of No. 84.]

(Confidential.)

Sir, Admiralty, 24th September, 1913.
With reference to your letter of the 17th instant, No. 32334/13, Secret,** on the subject of naval policy of the Dominion of New Zealand, I am commanded by my

* No. 70. † No. 64. ‡ No. 61. § L.F. transmitting copy of No. 77
|| No. 72. ¶ Not printed: Enclosure in No. 78. ** No. 80.

Lords Commissioners of the Admiralty to transmit, for the information of the Secretary of State for the Colonies, the draft of a telegram* which they would suggest should be sent to the Governor of New Zealand in reply to his telegram of the 16th instant.†

I am, &c.,
O. MURRAY.

33253/S

No. 82.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 11.27 a.m., 24th September, 1913.)

TELEGRAM.

[Answered by No. 88.]

(Paraphrase.)

I am desired by my Prime Minister to telegraph to you as follows with reference to my cypher telegram of September 16th,† and to express his hope that an early reply may be received:—

"Naval policy. First Lord of the Admiralty's confidential communication of July 31st‡ has been received. My Government desires to know definitely whether the Imperial Government is prepared now or within eighteen months to carry out the part of the 1909 agreement under which two "Bristol" cruisers were to be stationed in New Zealand waters.

"(2) New Zealand Government understands that the Lords Commissioners of the Admiralty advised Colonel Allen that destroyers and submarines were unsuitable for New Zealand waters, and that the Admiralty desired to abandon that part of the 1909 agreement.

"(3) New Zealand accepts the training ship proposal as part of New Zealand policy, but, having regard to the trade interests involved, deems the proposed arrangement as to the "Pyramus" and "Psyche" unsatisfactory."

—LIVERPOOL.

33253

No. 83.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 85.]

(Secret.)

Sir, Downing Street, 24 September, 1913.
In continuation of the letter from this Office of the 17th of September,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copy of a further telegram|| from the Governor of New Zealand regarding the naval policy of the Dominion.

2. Mr. Harcourt would be glad to receive a very early intimation of the views of their Lordships as to the reply to be returned to this telegram.

I am, &c.,
H. W. JUST.

* See No. 84.

† No. 79.
‡ No. 80.§ Not printed: Enclosure in No. 70.
|| No. 82.

33331

No. 84.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.50 p.m., 25th September, 1913.)

TELEGRAM.

[Copy to Admiralty, 27 September, 1913. L.F.]

[Answered by No. 87.]

(Paraphrase.)

I have to request you to communicate to your Ministers the following message from the Lords Commissioners of the Admiralty:—

"With reference to your telegram of the 16th September,* a full explanation of the alteration in the strategic requirements since 1909 which preclude the despatch to New Zealand of cruisers of the "Bristol" type was given to Colonel Allen when in England, and the explanation still holds good. A further statement on the subject has already been sent by the mail of the 12th of September.† It would be equally difficult to arrange for the substitution of other and more powerful cruisers for those now stationed in New Zealand waters. The scheme which was forwarded on the 8th of August‡ was intended as an alternative to that of 1909, and as offering equivalent advantages in a different direction."

I am in communication with the Lords Commissioners of the Admiralty with regard to your telegram of the 24th of September.§—HARCOURT.

33321

No. 85.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 29 September, 1913.)

[Answered by No. 89.]

(Secret.)

Sir, Admiralty, 29th September, 1913.
With reference to your letter of the 24th instant, No. 33253/1913,|| on the subject of the naval policy of New Zealand, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, a draft of a telegram¶ which they would suggest should be sent to the Governor-General, in reply to his telegram of the 24th instant.§

I am, &c.,

W. GRAHAM GREENE.

34618

No. 86.

ADMIRALTY to COLONIAL OFFICE.

(Received 2 October, 1913.)

[Answered by No. 91.]

(Confidential.)

Admiralty, 1 October, 1913.

[Superseded by letter of 15 October: see Nos. 93 and 94.]

* No. 79. † No. 78. ‡ No. 69. § No. 82.
|| No. 83. ¶ See No. 88.

34278

No. 87.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.10 p.m., 2nd October, 1913.)

TELEGRAM.

[Answered by No. 92.]

(Paraphrase.)

Your telegram 25th September.* Naval defence. I am desired by my Government to ask permission to state in Parliament the substance of your telegram under reference, and the communications made to Colonel Allen showing that the alteration in strategic requirements since 1909 precluded the despatch of destroyers or submarines or cruisers of the "Bristol" type or of more powerful cruisers in place of those now in New Zealand waters, and that the scheme forwarded on the 8th August was intended as an alternative to the scheme of 1909. It is imperative that an early pronouncement of naval policy should be made in Parliament, and my Ministers, therefore, anxiously await the reply to my telegram of the 24th September† and the receipt of the letter which left England on the 12th September‡. I should be glad if you will inform me by telegraph whether the letter alters in any material way the position as set forth in letter posted on the 8th August.§—LIVERPOOL.

33821

No. 88.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 6 p.m., 2nd October, 1913.)

TELEGRAM.

(Paraphrase.)

My telegram of 25th September,* which was sent in reply to your telegram of the 16th of September,|| answers in part your telegram of the 24th September.† I am requested by the Lords Commissioners of the Admiralty to ask that you will lay the following further statement before your Ministers:—

"Alterations in strategic requirements mentioned as occurring since 1909 are due to the passing of the German Fleet Law of 1912, which effects great immediate and prospective increases in the strength of the German Fleet. In 1909 it was confidently anticipated that, without interfering with the general strategic disposition of naval strength necessary in the interests of the Empire as a whole, the stationing of "Bristol" cruisers in New Zealand waters could be arranged for. The German naval expansion, however, which has been referred to has entirely changed the situation. The available "Bristol" cruisers are required urgently elsewhere. In particular, two have just been sent to the East Indian and China stations respectively. Both of these are required to match the only similar foreign vessels in the Pacific and Indian Oceans; and both directly influence the strategic situation in New Zealand waters, whither they would follow any similar foreign vessel. At present they would be superfluous in New Zealand waters, as there are no possible enemy ships of equal speed to be dealt with there.

"If your Ministers desire, a full statement of the strategic situation will be forwarded by an early mail. All the facts were laid before Colonel Allen and fully discussed with him: he concurred in the conclusions arrived at, and the reasons for these conclusions, and it was assumed that he would lay the conclusions and the reasons before your Ministers. If two more "Bristol" cruisers are now to be provided they must be specially built as an addition to the existing programme at a cost of about £700,000 to the Imperial Government. The New Zealand contribution is not available, as the whole of it will be absorbed in the expense of maintaining ships in the Dominion waters.

"Should your Government, with these facts before them, desire to press for the despatch of "Bristol" cruisers, the Imperial Government must at once consider both the financial and the other aspects of the question."

—HARCOURT.

* No. 84. † No. 82. ‡ No. 73. § No. 70. || No. 72.

34278

No. 89.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 90.]

SIR,

Downing Street, 3rd October, 1913.
 WITH reference to your letter of the 29th of September,* I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, paraphrase of a further telegram† from the Governor of New Zealand on the subject of the naval defence of the Dominion.

2. I am at the same time to enclose a paraphrase of a telegram sent to the Governor on the 2nd of October‡ in accordance with your letter under reference.

I am, &c.,

HENRY LAMBERT,
 for the Under-Secretary of State.

34905

No. 90.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 8 October, 1913.)

[Answered by L.F. transmitting copy of No. 92.]

(Secret.)

SIR,

Admiralty, 7th October, 1913.
 IN reply to your letter of the 3rd October, No. 34278,§ I am commanded by my Lords Commissioners of the Admiralty to enclose herewith the draft of a telegram|| which they would suggest that the Secretary of State for the Colonies should send to the Governor of New Zealand in reply to his telegram of the 2nd October† relative to naval defence.

I am, &c.,

O. MURRAY.

34618

No. 91.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 93.]

SIR,

Downing Street, 7 October, 1913.
 I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 1st of October,¶ on the subject of the intentions of His Majesty's Government with regard to the provision of fleet units for the China and East Indies Stations, and to enclose, for the information of the Lords Commissioners of the Admiralty, copy of a despatch** to the Governor-General forwarding a copy of your letter.

2. In view, however, of the fact that the enquiry of the Commonwealth Government was made by telegraph as long ago as the 16th of August,†† and that they asked in the telegram of the 12th September‡‡ (enclosed in Colonial Office letter of 13th September§§) for early information on the subject, I am to request that their Lordships will be so good as to suggest the terms of a telegram which might be sent, indicating briefly the general lines of the reply which is to be despatched by post.

3. Their Lordships will no doubt consider whether it might not be desirable to add to the telegram a definite statement that His Majesty's Government do not consider it necessary at the present moment to hold a Conference, as suggested in the Governor-General's telegram of the 16th August.††

* No. 87.

† No. 87.

‡ No. 88.

§ No. 89.

¶ See No. 92.

** No. 86.

** 34618 (cancelled).

§§ L.F.

†† No. 13 in [Cd. 7347].

‡‡ 31878: not printed.

4. I am to add that a copy of your letter under acknowledgment is being sent also to the Governor of New Zealand.

I am, &c.,

JOHN ANDERSON.

34905

No. 92.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.10 p.m., 8th October, 1913.)

TELEGRAM.

[Copy to Admiralty, 9th October, 1913. L.F.]

(Paraphrase.)

With reference to your telegram of 2nd October* as to naval defence. The Lords Commissioners of the Admiralty have no objection to a statement being made in Parliament in general terms, and this statement might also include substance of my further telegram of 2nd October.† They would, however, desire to know what part of correspondence with Colonel Allen your Government propose to publish. The telegrams of 25th September and 2nd October‡ summarised all the material points in the letter which left England on 12th September.§ It does not alter in any material way the position as set forth in the letter posted on 8th August.¶—HARCOURT.

35850/S

No. 93.

ADMIRALTY to COLONIAL OFFICE.

(Received 16 October, 1913.)

[Answered by No. 98.]

SIR,

Admiralty, 15th October, 1913.
 WITH reference to your letter of the 7th instant, No. 34618/13,‡ relative to the question raised by the Commonwealth Government in regard to naval policy in the Pacific, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Secretary of State that they concur that it is desirable that a telegraphic reply should be sent to the Governor-General, and I am to enclose herewith a draft of the telegram** which their Lordships would suggest might be sent.

2. In regard to the question of a conference, my Lords are of opinion that a naval conference during the year 1914 would have beneficial results, and that it would be inexpedient to resist any request made by the Dominions for one. If the Secretary of State concurs, the draft telegram might be amplified accordingly.

3. I am to add that in the comparison at the end of paragraph 6 of Admiralty letter of the 1st instant†† the "Monmouth" was by an oversight included in the present strength of the China and East Indies Squadrons. She is at present on the China Station, but is under orders to return on the arrival of the "Triumph." This point has been corrected in the draft telegram enclosed herewith, and I am to request that the letters sent on the 7th instant‡‡ to the Governor-General of Australia and the Governor of New Zealand may be at once returned unopened on arrival and that the enclosed amended letter§§ be sent in lieu by the next mail.

I am, &c.,

W. GRAHAM GREENE.

Attached to 35850

No. 94.

ADMIRALTY to COLONIAL OFFICE.

(Received 16 October, 1913.)

[Answered by No. 98.]

(Confidential.)

SIR,

Admiralty, 15th October, 1913.
 I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 21st August (No. 28497/1913).|| transmitting, for their Lordships' observations,

* No. 87.

† No. 88.

‡ Nos. 84 and 88.

§ No. 78.

¶ No. 76.

** a. 91.

** See No. 97.

†† No. 86.

‡‡ 34618: (cancelled).

§§ See No. 94.

|| No. 75.

a copy of a telegram* from the Governor-General of the Commonwealth of Australia requesting, on behalf of the Commonwealth Government, information as to the intentions of His Majesty's Government in regard to the provision of fleet units for the China and East Indies Stations.

2. In reply, I am to request that you will inform the Secretary of State that my Lords do not consider it necessary to suggest any change in the general policy discussed at the Imperial Conferences in 1909 and 1911, by which certain squadrons would be provided for the protection of the Pacific, the ships of the Royal Australian Navy forming one unit, and others being provided by the Admiralty, New Zealand contributing towards the expense. The development of the general naval situation, however, since the Conference of 1911 has been such as to cause their Lordships, in the interests of the Empire, unwillingly to defer carrying the arrangements into effect in the precise form contemplated, and the exact time when and extent to which it may be possible to make further progress in carrying out these arrangements in detail must depend upon the course of future events. The Board of Admiralty believe that the dispositions which they have actually made, as explained below, will be regarded by the Commonwealth Government as an adequate provision for the protection of British interests in the Pacific, and therefore as broadly fulfilling the purposes which the arrangements decided upon in 1909 were intended to serve, and, at the present juncture, preferable to an exact adherence to the letter of those arrangements when the safety of the Empire as a whole is considered.

3. Under the detailed scheme agreed to in 1909 it was contemplated that there should be a Pacific Fleet consisting of fleet units, each comprising one battle cruiser and three light cruisers of the "Bristol" class, together with certain destroyers and submarines, and that, apart from the proposals of the Canadian Government, one of these units should be provided by the Royal Australian Navy, whilst two more were to be provided from the China and East Indies Squadrons of the Royal Navy. The precise composition of these units was primarily based, not on strategic requirements, but on a consideration of the types and numbers of vessels which it was thought desirable that the Royal Australian Navy should comprise as a nucleus, the two Royal Naval units being similarly composed for the sake of homogeneity. Also, the general situation at the date when these arrangements were proposed was such as to render it reasonably probable that vessels of these particular types could be assigned to the China and East Indies squadrons by the date required without detriment to the defence of Imperial interests as a whole, in the event of hostilities in the North Sea, which then, as now, was recognised as the most probable point of attack, owing to the immediate proximity of the powerful German Fleet.

4. Since the date when these future dispositions were decided upon, the passing of the new German Fleet Law, the effect of which was to increase the German naval strength in the North Sea to a material extent immediately, but to an even greater extent in the near future, has profoundly affected the whole situation. The bearing of this measure on the naval requirements of the Empire is summarised in the memorandum on Naval Defence recently prepared by the Admiralty at the request of the Government of the Dominion of Canada (Parliamentary Paper [Cd. 6513] of 1912), a copy of which might, it is suggested, be forwarded to the Governor-General of the Commonwealth of Australia for the consideration of the Commonwealth Government.

5. In consequence of the changed conditions described in the memorandum, it became imperative for the Board of Admiralty to review the proposed distribution of the naval forces of the Empire, strictly from the point of view of securing a preponderance of strength over our most probable adversary in all parts of the world.

6. As a result of this review, my Lords have been forced to the conclusion that not only are the two battle cruisers which should have been assigned to the China and East Indies squadrons urgently needed in European waters to deal with ships of similar strength belonging to a possible enemy, but that there are no enemy ships in the Pacific which could not be adequately dealt with by vessels of a somewhat less powerful type. It will be obvious that any effective and economical distribution of the fleet must be governed primarily by a consideration of the actual ships of the enemy which would require to be met in any particular quarter of the globe, and my Lords consequently, with the ready consent of the Government of the Dominion of New Zealand, decided not to assign, in present circumstances, the battle cruiser "New

* No. 13 in [Cd. 7347].

Zealand" to the China Squadron as had originally been intended. For similar reasons they have, up to the present, taken no steps to send a battle cruiser to the East Indies Station (where there is no vessel of equal power to be dealt with), and in certain other respects have deferred reconstituting the two squadrons on the lines proposed in 1909. On the other hand, both squadrons have been reconstituted with careful reference to the strength of any possible enemy force which they might have to meet, the result of the reconstitution being that the strength of both squadrons has been substantially increased, whilst they are also more effectively adapted for the duties that will devolve upon them in war than if the original fleet unit disposition had been carried out. The comparison, excluding small vessels, is as follows:—

Proposed.	Provided.
2 battle cruisers ("Indefatigable" class)	2 battleships ("Swiftsure" class).
6 light cruisers ("Bristols").	2 cruisers—"Minotaur," "Hampshire."
	5 light cruisers (including 3 "Bristols" and 2 older type).

A statement is attached showing the naval strength of other nations in the same waters, Japan being excluded, in view of the existing alliance.

7. My Lords would be glad if this statement of the reasons which have led them to defer any attempt to reconstitute the China and East Indies Squadrons in strict accordance with the understanding arrived at in 1909 may be communicated to the Commonwealth Government. They feel sure that Ministers will appreciate the urgency of the considerations referred to, and will concur in the view that to carry into effect a distribution of naval strength bearing no sort of relation to the dangers which actually require to be encountered in different quarters of the world would, at the present time, be contrary to the interests of the Empire, and they are confident that, in view of the actual dispositions made, the naval defence of Australia and the development of the Royal Australian Navy will in no way suffer by the course which events have taken.

I am, &c.,
W. GRAHAM GREENE.

Enclosure in No. 94.

TABLE SHOWING THE NAVAL STRENGTH OF NATIONS OTHER THAN BRITISH IN EASTERN SEAS—CHINA, PACIFIC, EAST INDIES AND AUSTRALIA.

Country.	Battleships.	Battle Cruisers.	Coast Defence Vessels.	Cruisers.	Light Cruisers.	Torpedo Vessels, Gunboats and Sloops.	Torpedo Boat Destroyers.	Torpedo Boats.	Submarines.	Mine-layers.	Special Vessels.*
Austria-Hungary ...	—	—	—	—	1	—	—	—	—	—	—
France ...	—	—	—	—	—	5	3	—	—	—	5
Germany ...	—	—	—	—	—	—	—	—	—	—	—
Holland ...	—	—	—	—	—	—	—	—	—	—	—
Italy ...	—	—	—	—	—	—	—	—	—	—	—
Portugal ...	—	—	—	—	—	—	—	—	—	—	—
Russia ...	—	—	—	—	—	—	—	—	—	—	—
United States of America	1	—	3	10	13	13	16	1	12	—	16
Chili ...	—	—	—	—	—	—	—	—	—	—	—
China ...	—	—	—	—	—	—	—	—	—	—	—
Colombia ...	—	—	—	—	—	—	—	—	—	—	—
Ecuador ...	—	—	—	—	—	—	—	—	—	—	—
Mexico ...	—	—	—	—	—	—	—	—	—	—	—
Nicaragua ...	—	—	—	—	—	—	—	—	—	—	—
Persia ...	—	—	—	—	—	—	—	—	—	—	—
Peru ...	—	—	—	—	—	—	—	—	—	—	—
Salvador ...	—	—	—	—	—	—	—	—	—	—	—
Sarawak ...	—	—	—	—	—	—	—	—	—	—	—
Siam ...	—	—	—	—	—	—	—	—	—	—	—
Turkey ...	—	—	—	—	—	—	—	—	—	—	—

* Including river gunboats, transports, fleet auxiliaries, training ships and small craft of little or no fighting value.

35850/S

No. 95.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Secret.)

My Lord,

Downing Street, 17th October, 1913.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copies of correspondence* relative to the intentions of His Majesty's Government with regard to the provision of fleet units for the China and East Indies stations.

2. Copies of the Parliamentary Paper† to which reference is made were forwarded to you in my despatch, No. 399, of the 6th of December, 1912.‡

I have, &c.,

L. HARCOURT.

35850/S

No. 96.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

My Lord,

Downing Street, 17th October, 1913.

WITH reference to Your Excellency's telegram of the 16th of August last,§ I have the honour to transmit to you, to be laid before your Ministers, the accompanying copies of a letter|| from the Admiralty, explaining the views of His Majesty's Government with regard to the provision of fleet units for the China and East Indies stations. Copies of the Parliamentary Paper† to which reference is made in the fourth paragraph of this letter were forwarded to you in my despatch, No. 521, of the 6th of December, 1912.‡

I have, &c.,

L. HARCOURT.

35850/S

No. 97.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.25 p.m., 17th October, 1913.)

TELEGRAM.

(Paraphrase.)

Your telegram of 16th August.§ The following is the reply of the Lords Commissioners of the Admiralty:—

"The Admiralty accept the general scheme for protection of Pacific which was formulated at the Conferences held in 1909 and 1911, but, since 1911, the development of the general naval situation has, for the present, at all events, made it undesirable exactly to carry out the dispositions then contemplated. The proposals that the East Indies and China squadrons should comprise two units was based not so much on the composition of the possible opposing forces as on the desirability of securing correspondence with the vessels considered suitable to serve as the nucleus of the Royal Australian Navy, the expectation at that time being that vessels of this type would, without detriment to defence of Imperial interests as a whole, be available. The passing of new German Fleet Law of 1912, which greatly increases effective strength of German Fleet both now and in near future,

* Nos. 75 and 94. † [Cd. 6513]. ‡ 35014: not printed. § No. 13 in [Cd. 7347]. | No. 94.

has seriously affected the situation. The Admiralty, as a result of this development, have been obliged to review all naval dispositions strictly from the point of view of strategic requirements and with careful reference to the numbers and types of possible enemy vessels to be dealt with in different quarters of the world. In consequence of this view, they have reconstituted the East Indies and China squadrons, and the strength of these squadrons has been substantially increased, but their composition does not precisely conform to the force proposed in 1909. Excluding small vessels, the comparison is as follows:—

"Two battleships 'Swiftsure' class, two cruisers, 'Minotaur' and 'Hampshire,' a total of four large armoured ships, and five light cruisers, including three 'Bristols,' take place of two battle cruisers 'Indefatigable' class and six light cruisers 'Bristols.' In the Pacific there are no possible enemy ships of equal strength for 'Indefatigables' to deal with, and the squadrons as at present reconstituted are, in the opinion of the Admiralty, more effectively adapted for their actual war duties. 'Indefatigables,' on the other hand, are urgently needed elsewhere to cope with the possible enemy ships of a similar class, and by this more economical disposition of strength the problem of upholding the general naval supremacy of the Empire is sensibly facilitated.

"The Lords Commissioners of the Admiralty trust that your Government will concur, not only that the dispositions made are the best that circumstances admit of, but that they fulfil broadly the purposes which it was intended to serve by the agreement of 1909, since, in combination with the Royal Australian Fleet, ample protection is provided for the Pacific.

"Full statement is being sent by the mail of 17th October."*

If, after consideration of the statement of the Admiralty, your Ministers consider it desirable to confer, as the Governments of other Dominions have done, with His Majesty's Government, His Majesty's Government will be glad to welcome, at any date convenient to them next year, a visit of representatives of your Government.

—HARCOURT.

35850

No. 98.

COLONIAL OFFICE to ADMIRALTY.

Downing Street, 18 October, 1913.

Sir,

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th of October,† and to transmit to you, for the information of the Lords Commissioners of the Admiralty, copies of a telegram and a despatch‡ which have been addressed to the Governor-General of the Commonwealth of Australia, and of a despatch§ which has been addressed to the Governor of New Zealand on the subject of naval defence in the Pacific.

2. I am to add that the Governor-General of the Commonwealth and the Governor of New Zealand have been requested by telegraph to return the Secret despatches addressed to them on the 7th of October.||

I am, &c.,

JOHN ANDERSON.

39541

No. 99.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 22 November, 1913. L.F.]

(Confidential.)

Downing Street, 21 November, 1913

[Published as No. 14 in [Cd. 7347], April, 1914.]

* No. 96.

† No. 93.

‡ Nos. 96 and 97.

§ No. 95.

|| 34618: not printed.

III.—Imperial General Staff.

3823

No. 100.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2.55 p.m., 1st February, 1913.)

TELEGRAM.

[Answered by No. 108.]

February 1st, Confidential. My despatch, 13th January, No. 20.* General Officer Commanding-in-Chief approves Ministers' minute proposing to send further reports and information to local section of General Staff of the Army in South Africa for transmission to War Office. I understand "further" to mean "future." This appears to me to be open to objection and to preclude Governor-General from making such observations as he may think desirable on military questions in South Africa. Existing practice enables Minister of Defence to communicate direct with Army Headquarters here on technical and ordinary business. I see no reason why reports and material information should not be sent, as now, to Governor-General, who would, as a general rule, transmit all communications without delay to Army Headquarters and to you. As regards direct communication by Government of the Union of South Africa with self-governing Dominions I have no information, but I see no objection. Please refer to your Confidential despatch, January 17th, 1911, paragraph 5, and your despatch 6th October, No. 548, 1911.†—GLADSTONE.

4490

No. 101.

WAR OFFICE TO COLONIAL OFFICE.

(Received 7 February, 1913.)

[Answered by L.P. transmitting copies of Nos. 104 and 105.]

(Confidential.)

Sir,

War Office, London, S.W., 6th February, 1913.

1. In reply to Colonial Office letters numbered 34857/1912 and 34886/1912, dated 12th November, 1912,‡ I am commanded by the Army Council to say that the proposals of the Commonwealth Government appear to be in general conformity with those outlined in the memorandum of the 31st August, 1910,§ by the Chief of the Imperial General Staff, with the exception that on certain points the proposals go further than was possible, or necessary, before the "Dominion Section" had been formed at the War Office. That section having now come into existence, the Council concur with the Commonwealth Government in considering that it is advisable to take steps to arrange for agreement on certain questions affecting the working of the section which are still outstanding. These questions appear to be as follows:—

- (a) Whether representatives of local sections are to be considered as responsible, while at the War Office, to the chiefs of their respective local sections or to the Chief of the Imperial General Staff.
- (b) What channel is to be observed in official correspondence between members of the Dominion Section and the local authorities in their respective Dominions.
- (c) Whether the travelling expenses in the United Kingdom of members of the Dominion Section should be paid by the home Government or by the Dominion Governments concerned.

2. As regards (a):—The proposals of the Commonwealth Government appear to be quite clear as to the responsibility of their representative to the chief of the local section, but it appears to the Army Council that the measure of his subordination to the Chief of the Imperial General Staff is left somewhat vague. Although

* No. 44.

‡ Nos. 124 and 125 in Dominions No. 46.

† 39182 and 31379: not printed.

§ No. 324 in Dominions No. 19.

the ultimate object in view of all the Governments concerned is the same, viz., the creation of Imperial forces capable of fighting side by side in case of need, it is fully recognized that the Dominion representatives are sent to the Central Section in the immediate and special interests of the forces of the Dominions; that their employment on the Central Section is a matter for their own Governments to decide on; and that they must continue to owe allegiance to, and receive instructions as to what is required of them from, those Governments. There would, however, be serious objections to the officers employed in the Dominion Section at the War Office being held to be altogether independent of the Chief of the Imperial General Staff. For example, they have been granted local rank in the Regular Army and are thereby vested with military authority over subordinates in that army with whom they may come into official contact. It is clearly impossible that this could be permitted if they themselves are held to be in no wise subject to the authority of their superiors in rank in the Regular Army. Similarly, if they were ruled to hold an independent position here, it would not be in the power of the Chief of the Imperial General Staff to detail them as members of committees on questions in which the Dominion Governments may be concerned, or to arrange for their attendance at courses, manoeuvres, &c., which it might be advantageous for them to attend in the interests of the forces they represent. Although recognition of their subordination to officers of superior rank in the Regular Army must, to some extent, impose on the Dominion representatives a dual responsibility, at any rate, in theory, it would not, in practice, lead to their having to act in a dual capacity, since the local authorities may rely on its being fully recognized that the representatives are here in the interests of the local forces they represent and on their being employed solely in those interests.

The Army Council feel confident that no difficulty is likely to arise from the arrangement they propose, and that they have not misinterpreted the wishes of the Commonwealth Government in placing their representative under the orders of the Chief of the Imperial General Staff, and in making him responsible to the Chief of the Imperial General Staff for the execution of his duties while a member of the Dominion Section.

3. As regards (b):—It is noted that the general question as to the channels in which official correspondence should be directed is now under consideration by the Commonwealth Government, and it will, no doubt, be necessary to await further representations thereon before attempting to arrive at a final solution of this question.

The Council see no objection to reports on officers of local forces employed in any capacity with, or attached to, the Regular Army being transmitted to the local authorities through their representatives in the Dominion Section, and the Chief of the Imperial General Staff is prepared to report annually upon the qualifications of each local representative of that section if so desired by the Government concerned.

4. As regards payment of travelling expenses and allowances to Dominion representatives, the willingness of the home Government to bear these has already been conveyed to the Dominions. It is true, however, as pointed out by the Commonwealth Government, that such expenditure should be incurred only on behalf of the Dominions represented, and if the Dominions prefer to bear the cost, the Army Council have no objection to offer. In either case the Army Council will, as a matter of course, take no action leading to expenditure on travelling beyond what the Governments concerned may desire.

5. With the exceptions noted above, all the proposals of the Commonwealth Government are quite acceptable to the Army Council, but they would suggest that the wording of paragraph 4 (F.) should be amended, the words "as may be necessary to enable" being substituted for "as he may deem necessary for enabling," &c., as the present wording might be taken as constituting the representative the judge of what the Chief of the Imperial General Staff should require to know, which the Council feel sure is not intended.

6. In conclusion, I am to point out the desirability, if possible, of having a similar agreement with all the Governments concerned on the questions herein dealt with, with the object of ensuring a definite, even if temporary, statement of the duties of the Dominion Section. Such alterations as may become advisable after some experience in the work of the section could be submitted at the next meeting of the Imperial Conference.

I am, &c.,

R. H. BRADE.

3823

No. 102.

UNION OF SOUTH AFRICA.
COLONIAL OFFICE to WAR OFFICE.

[Answered by No. 106.]

SIR,

Downing Street, 12 February, 1913.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Army Council, a copy of a despatch* from the Governor-General of the Union of South Africa forwarding a report by Brigadier-General Aston on the class of instruction for the officers of the Union Defence Forces. A copy of a telegram† from Lord Gladstone, commenting on Ministers' proposal to send future reports on the defence organisation to the Army Council through the local section of the General Staff in South Africa, is also enclosed.

2. While Mr. Harcourt agrees that matters of a technical and routine nature can most conveniently be dealt with by communication between the Union General Staff and the local Imperial General Staff, he is disposed to think it desirable that the correspondence on military matters should continue, as in the past, to be transmitted from Ministers to the Army Council through the Governor-General. Any general progress reports, as opposed to communications relating to detail, should, therefore, be sent to the Governor-General.

3. With regard to communication between the Union Government and other Dominions, Mr. Harcourt proposes to inform Lord Gladstone that he should endeavour to secure the observance of the rule that all communications between Government and Government should pass through the Governor-General.

I am to enquire whether the Army Council concur in the proposed reply.

I am, &c.,
H. W. JUST.

6401

No. 103.

UNION OF SOUTH AFRICA.
THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 22 February, 1913.)

[Copy to War Office, 3 March, 1913. L.F.]

[Answered by No. 107.]

(No. 67.)

SIR,

Governor-General's Office, Cape Town, 3 February, 1913.

I HAVE the honour to transmit to you herewith, with reference to my despatch, No. 20, of the 13th January, and to my telegram of 1st February,‡ a copy of a letter from the General Officer Commanding-in-Chief, South Africa, dated 21st January, 1913, on the subject of the channel for the communication to the War Office of reports and information as to the progress and development of the Union Defence organization.

I have, &c.,
GLADSTONE,
Governor-General.

Enclosure in No. 103.

(C.R. 10515/1 (G)).

MY LORD,

Army Headquarters, Pretoria, 21st January, 1913.

I HAVE the honour to acknowledge with thanks the receipt of your letter, No. 1/471, dated 13th January, 1913, enclosing Minister's Minute, No. 12, of the 9th idem, together with a report by Brigadier-General Aston on the class of instruction for officers of the Defence Forces recently held at Bloemfontein.

* No. 44.

† No. 100.

‡ Nos. 44 and 100.

With reference to the channel for communication of further reports and information as to the progress and development of the Defence Organization, indicated in the above quoted Ministers' Minute, I am entirely in agreement with the procedure suggested, and trust that the Army Council will accept the proposal.

I have, &c.,
REGD. C. HART,
Lieutenant-General,
Commanding-in-Chief, South African Command.

His Excellency

The Governor-General,
Union of South Africa,
Governor-General's Office, Pretoria.

4490

No. 104.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to War Office, 4 March, 1913. L.F.]

[Answered by No. 111.]

(No. 143.)

Downing Street, 28 February, 1913.

MY LORD,

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 207, of the 20th of September last,* on the subject of the duties of the officer appointed as representative of the Commonwealth Section on the Central Section of the Imperial General Staff.

2. Your despatch was written before you received my despatch, No. 353, of the 26th of August,† in which I forwarded a copy of a letter from the War Office reporting the formation of the Dominion Section of the Imperial General Staff, and enclosing a copy of the instructions issued for the guidance of the officers forming that Section.

3. I duly communicated your despatch to the Army Council, and I have now to enclose, for the consideration of your Ministers, the accompanying copy of a letter‡ from the War Office, from which it will be observed that the Army Council concur generally in the proposals of your Government.

4. As regards the channel of correspondence, this question stands at present on the footing described in your despatch, No. 204, of the 17th of September.§ I shall be glad to receive an expression of the views of your Ministers on the subject in due course. In the meantime they will observe from paragraph 6 of the instructions a copy of which was enclosed in my despatch, No. 353, of the 26th of August,† and from paragraph 3 of the enclosed letter from the War Office, that it is proposed that officers of the Dominions Section may be used as the channel of correspondence for the purposes therein mentioned.

I have, &c.,
L. HARCOURT.

4490

No. 105.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

[Copy to War Office, 4 March, 1913. L.F.]

[Answered by Nos. 109 and 110.]

(Canada. No. 162.)
(New Zealand. No. 90.)

[SIR] [MY LORD],

Downing Street, 28 February, 1913.

With reference to my despatch, No. [603] [249], of the 26th of August last,†

* No. 122 in Dominions No. 46.
† No. 101, omitting paragraph 6.

‡ No. 120 in Dominions No. 46.
§ No. 121 in Dominions No. 46.

I have the honour to transmit to [Your Royal Highness] [you], to be laid before your Ministers, the accompanying [copies] [copy] of correspondence* with the Governor-General of the Commonwealth of Australia, on the subject of the position of the representatives of the Dominions on the Imperial General Staff at the War Office.

2. Lord Denman's despatch, No. 204, of the 17th of September last,† to which reference is made in my reply, stated that instructions had been issued that correspondence between the Commonwealth and the Imperial Government on all matters excepting those specially exempted should be conducted through the Prime Minister, the Governor-General, and the Colonial Office.

3. I shall be glad to learn whether your Ministers would desire that similar rules to those laid down in the case of the Commonwealth by Lord Denman's despatch, No. 207, of the 20th of September last,‡ as modified by the proposals made in the letter from the War Office of the 6th of February, should be adopted for the representative of [Canada] [New Zealand] at the War Office.

I have, &c.,
L. HARCOURT.

7807

No. 106.

UNION OF SOUTH AFRICA.
WAR OFFICE to COLONIAL OFFICE.
(Received 6 March, 1913.)

[Answered by L.P. transmitting copies of Nos. 107 and 108.]

SIR,

War Office, London, S.W., 5th March, 1913.

I AM commanded by the Army Council to acknowledge the receipt of Colonial Office letter, No. 3823/1913, dated 12th February, 1913,§ enclosing copies of communications received from South Africa.

In reply I am to say that the Army Council have no objection to offer to correspondence on matters other than those of a technical and routine nature being transmitted to them through the Governor-General, as proposed by Mr. Harcourt. The question of the channel of communication between the Union Government and other Dominions is one on which the Army Council appears to be less directly concerned than are the Dominions affected and the Colonial Office, and any arrangements made in this respect by the Secretary of State for the Colonies with the Governments concerned will be acceptable to the Council.

I am, &c.,
R. H. BRADE.

7807

No. 107.

UNION OF SOUTH AFRICA.
THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 111.) [Copy to War Office, 14 March, 1913. L.F.]

MY LORD,

Downing Street, 12 March, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatches, No. 20, of the 13th of January, and No. 67, of the 3rd of February,|| on the subject of the channel for the communication to His Majesty's Government of reports and information as to the progress and development of the defence organisation of the Union of South Africa.

* No. 122 in Dominions No. 46, and No. 104.
‡ No. 122 in Dominions No. 46.

† No. 121 in Dominions No. 46.
§ No. 102. | Nos. 44 and 103.

2. In reply, I have to request that you will inform your Ministers that I have been in communication with the Army Council on the subject, and that, while it is recognised that matters of a technical and routine nature can be most conveniently dealt with by communication between the Union General Staff and the local Imperial General Staff, it is considered to be desirable that correspondence on military matters not falling within the above category should continue, as in the past, to be transmitted from Ministers to the Army Council through the Governor-General and the Secretary of State for the Colonies. Any general progress reports, therefore, as opposed to communications relating to matters of detail, should be sent through the Governor-General.

3. With regard to communications between the Union Government and the Governments of the other self-governing Dominions, I consider that the general rule which should be followed is that all communications between Government and Government (that is, not merely departmental or routine correspondence) should pass through the Governor-General, and I shall be glad if your Ministers will arrange accordingly.

I have, &c.,
L. HARCOURT.

7807

No. 108.

UNION OF SOUTH AFRICA.
THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.
[Copy to War Office, 14 March, 1913. L.F.]

(Confidential (2).)

Downing Street, 12 March, 1913.

MY LORD,

I HAVE the honour to acknowledge the receipt of Your Excellency's telegram of the 1st of February,* on the subject of the channel of communication on defence matters between the Union Government and His Majesty's Government, and the Union Government and the Governments of the oversea Dominions.

2. You will learn my views on this question from my despatch, No. 111, of even date.†

I have, &c.,
L. HARCOURT.

13706

No. 109.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.
(Received 23 April, 1913.)

[Copy to War Office, 6 May, 1913.]

(No. 255.)

Government House,
Ottawa, 12th April, 1913.

SIR,

I HAVE the honour to forward, herewith, for transmission to the War Office, copies of a letter from the Department of Militia and Defence, dated 10th April, 1913, respecting the position of the representatives of the Dominions on the Imperial General Staff at the War Office.

Reference to previous despatch: Colonial Office, No. 162, 28th February.‡

I have, &c.,
C. FITZPATRICK.
Administrator.

* No. 100.

† No. 107.

‡ No. 105.

Enclosure in No. 109.

FROM DEPARTMENT OF MILITIA AND DEFENCE TO THE MILITARY SECRETARY.

SIR,

Ottawa, 10th April, 1913.

WITH reference to Colonial Office despatch of the 28th February last, No. 162,* transmitting copies of correspondence with the Governor-General of the Commonwealth of Australia, on the subject of the position of the representatives of the Dominions on the Imperial General Staff at the War Office, I have the honour, by direction, to state that so far as the Department of Militia and Defence is concerned, the instructions issued by the War Office for the guidance of officers composing the Dominion Section of the Imperial General Staff, a copy of which was forwarded under Colonial Office despatch, dated 26th August, 1912, have been found to work quite satisfactorily, and no alteration in them is desired.

In reference to the other points raised, no advantage is apparent in the proposal of the Commonwealth Government to create other channels of official correspondence between the War Office and Dominion Governments, and it is considered preferable that all official correspondence should, as under existing arrangements, pass from the War Office to the Dominion Government through the Colonial Office.

There is, of course, no objection to the proposal that Dominion Governments should bear the cost of the travelling expenses incurred by their representatives.

The suggestion that all confidential reports should be forwarded through the Dominion representative does not commend itself. The duties of this officer are not administrative, and as, moreover, he may be a comparatively junior officer, it is preferable that reports on Canadian officers undergoing courses, &c., in England should be forwarded through the usual channels as at present.

The offer of the Chief of the Imperial General Staff to report on the qualifications of the Dominion representative the Government of Canada gladly accepts.

I have, &c.,

EUG. FISER,

Colonel,

Deputy Minister.

21247

No. 110.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23 June, 1913.)

[Copy to War Office, 7 July, 1913. L.F.]

(No. 77.)

SIR,

Wellington, 15th May, 1913.

WITH reference to your despatch of the 28th of February, No. 90,* enclosing copy of correspondence with the Governor-General of the Commonwealth of Australia, on the subject of the position of the representatives of the Dominions on the Imperial General Staff at the War Office, I have the honour to transmit to you the accompanying copy of a memorandum which I have received from my Prime Minister expressing the views of my Government regarding the status of the officer to represent this Dominion at the War Office.

I have, &c.,

LIVERPOOL,

Governor.

Enclosure in No. 110.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

(No. 79/15.)

Prime Minister's Office, Wellington,

8th May, 1913.

The Prime Minister presents his compliments to His Excellency and begs to

* No. 105.

inform him that his Government is in entire accord with the proposals of the Commonwealth Government as modified by the War Office letter (Confidential), dated 6th February, 1913,* regarding the status of the officer to represent the Dominion at the War Office.

I have further to recommend the adherence to the present system by which official correspondence is conducted through the usual channels, and semi-official correspondence between the Dominion representative at the War Office and the local section, so that in the latter each is kept acquainted with developments in contemplation, possible changes in armaments, organization, ammunition, equipment, &c., &c., and other matters of common interest.

W. F. MASSEY,

Prime Minister.

37870

No. 111.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd November, 1913.)

[Answered by No. 113.]

(No. 231.)

Commonwealth of Australia,

Governor-General's Office, Melbourne, 1st October, 1913.

SIR

WITH reference to your despatch, dated 28th February last, No. 143,† on the subject of the duties of the officer appointed as representative of the Commonwealth Section on the Central Section of the Imperial General Staff, I have the honour to inform you that my Prime Minister advises that in the memorandum prepared by the Acting Chief of the Commonwealth Section of the Imperial General Staff prescribing the duties of the Australian representative, a copy of which accompanied my despatch dated 20th September, 1912, No. 207,‡ it was attempted to make clear the local views on the important point of the measure of subordination of Dominion representatives to the Chief of the Imperial General Staff. It is regretted that the provision made did not completely remove any doubt.

2. My Prime Minister adds that the opinion expressed by the Army Council in their confidential letter dated 6th February, 1913,* entirely accords, however, with the spirit in which the instructions prepared locally were conceived, and it is suggested by the Commonwealth Government that a copy of the War Office letter should be attached to the instructions as interpreting correctly the intention underlying the proposals regarding the settlement of the question of dual responsibility.

3. Upon the question raised as to the incidence of expenditure incurred by Dominion representatives in travelling, the Commonwealth Government are quite prepared to meet charges necessarily incurred, if this is agreeable to the Army Council.

4. The amendments proposed by the Army Council in the wording of paragraph 4 (v) of the memorandum of the Acting Chief of the Commonwealth Section of the Imperial General Staff are concurred in, and have accordingly been recorded in the copies of the document retained in the Department of Defence.

5. The question of the channel of communication in this connection is still under consideration, and when a conclusion thereon has been reached, the necessary alterations and additions will be made to the instructions given to the Commonwealth representative on the Central Section of the Imperial General Staff.

I have, &c.,

DENMAN,

Governor-General.

* No. 101.

† No. 104.

‡ No. 122 in Dominions No. 46.

37870

No. 112.

COLONIAL OFFICE to WAR OFFICE.

SIR,

Downing Street, 12th November, 1913.

WITH reference to the letter from this Office of 4th March,* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Army Council, for any observations which they may have to make, a copy of a despatch† received from the Governor-General of the Commonwealth of Australia relating to the representation of the Commonwealth on the Central Section of the Imperial General Staff.

I am, &c.,

HENRY LAMBERT

for the Under-Secretary of State.

37870

No. 113.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 688.)

MY LORD,

Downing Street, 13th November, 1913.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch, No. 231, of the 1st October,† on the subject of the representation of the Commonwealth on the Central Section of the Imperial General Staff, and to inform you that I have communicated a copy to the Army Council.

2. I take this opportunity to forward, for the information of your Ministers, copies of despatches‡ from the Governor-General of Canada and the Governor of New Zealand replying to a despatch from me of the 28th of February§ regarding the position of the representatives of Canada and New Zealand at the War Office, a copy of which is also enclosed.

I have, &c.,

L. HARCOURT.

* L.F. transmitting copies of Nos. 104 and 105. † No. 111. ‡ Nos. 109 and 110. § No. 105.

CO 386/6/5

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